

DISCIPLINE & CLASSROOM MANAGEMENT



**Strategies and Guidelines for Teachers and
Administrators**

2010



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CONTENTS

Section A

Introduction	5
Everyone Has to Help	5
Successful Discipline	6
School Rules	6
The Role of the School District, Elected Councils or Boards	7
The Role of the Principal	8
Strategies for Principals	9
The Role of the Teacher	10
Strategies for Teachers	10
Developing the Role of Students	11
The Role of Students	12
The Role of Families	13
Legal Considerations for Discipline Policies and Practices	14
The Charter	14
The Act	15
Assault	15
Creating a Disturbance	15
Trespass	15
Police Intervention	16
Record Keeping and Due Process	16
Reason for Optimism	17
Afterword	17

Section B

Situation Casebook

Appendices

Appendix A — Due Process	A1
Appendix B — Sample - School Guidelines	A3
Appendix C — Sample - Behavior Tracking Form	A9
Appendix D — Sample - Trespassing Notice	A10
Appendix E — Guidelines on Pupil Appeals	A11
Appendix F — Policy 703 (Positive Learning and Working Environment Policy)	A15
Appendix G — If Conflict Arises	A27

SECTION A

Introduction

We have a strong, vibrant public school system, one of the best in the world. But a certain frustration seems to be present within many teachers, administrators, parents and students over the apparent inability of the system to deal more effectively with some discipline problems. Students and teachers who do not feel safe in school will be unable to be full partners in the learning process no matter how invigorating or challenging the curriculum might be.

The New Brunswick *Education Act* states: **S.21(2)(a)** “every teacher shall ... maintain proper order and discipline on school property”; however, it is widely accepted that no individual acting alone can be expected to carry out this statutory duty. Perhaps more than at any other time, there needs to be a concerted effort by students, parents, teachers, administrators, school councils, District Education Councils (or Boards), the Department of Education and the entire community to work together to ensure that our schools become safer havens of learning.

This handbook is a response to the frustration felt by many in the system. By identifying strategies, clarifying roles, and providing some examples of situations that arise in our classrooms and schools, with suggestions from experienced educators on methods of dealing with particular types of student behavior, it is intended to encourage a more cooperative and supportive approach to discipline and classroom management.

Everyone Has to Help!

Before we begin to address particular issues or situations, it is vital that we understand the importance of a systemic approach to the overall problem. Discipline problems in schools

often point to the larger need to adopt a consistent approach to education — a need for members of education councils, administrators, parents or guardians, as well as teachers and pupils, to accept their responsibilities, and to make our schools safe and inviting for everyone.

New Brunswick’s *Positive Learning and Working Environment Policy* (Appendix F) and *Provincial Student Code of Conduct* are demonstrative of a Department of Education which is acknowledging the need for all of the players in education to come together to agree upon and support fundamental principles of discipline.

The *Positive Learning and Working Environment Policy*, or Policy 703, makes it clear that the entire school system and the community at large will support a positive learning and working environment which is based on an atmosphere where:

- every person is valued and all individuals ... are treated with respect and treat others with respect;
- pupils have a right to be taught and to learn without being disrupted by others and have the responsibility not to disrupt others; ...
- adults and pupils in the public school system have a right to work and to learn in a safe, orderly, productive, respectful and harassment-free environment; ...
- administrators at the school, the district and the Department support effective teaching and behaviour management.

This policy makes it clear that discipline is a total system responsibility.

Successful Discipline

For a variety of reasons, there are some students whose misbehavior cannot effectively be addressed by any of the usually prescribed methods, and for whom the conventional classroom setting may not provide the best venue for meeting their needs. However, in nearly all of the authoritative texts on discipline, a few key ingredients for overall success keep surfacing —

- a strong principal acting as instructional leader creates a school environment where teachers and students alike can succeed;
- teacher preparedness is vital to every useful and productive class session;
- teachers and administrators must set the right tone in the whole school from the start of each school year;
- administrators must set clearly stated expectations for student behavior and ensure their consistent enforcement to foster an orderly environment;
- school discipline must be accepted as a responsibility of all school staff;
- the support and participation of parents is essential to improving student behavior;
- district administrators and education council members must support the legitimate actions of school-based personnel;
- involving teachers and students in developing the rules and policies that affect them increases the likelihood that they will be accepted and followed.

School Rules

Clear rules and guidelines that are shared by everyone in the system are essential, but so are clear consequences and guaranteed support at every level. This type of co-operative and systemic approach is the only hope for improvement.

It all begins with a concise system of agreed-upon rules that make sense in classrooms and schools — a code of behavior that works — and

with students, teachers, administrators and parents who support those rules and are prepared to implement reasonable consequences for non-compliance.

It is also essential that staff look at the way rules are applied. Since we know that a school principal, acting as an effective instructional leader, can have a dramatic impact on student behavior throughout the school, principals should collaborate with teachers and support staff to reach a consensus for a set of rules for the school. A principal might:

- Encourage staff members to re-examine the way they treat individual students.
- Encourage staff members to communicate their expectations more clearly.
- Encourage staff members to try new and varied teaching styles.
- Encourage careful planning for all lessons and activities.
- Encourage teachers to ensure that all behavior problems are handled in accordance with school policy.
- Develop a process for handling all discipline problems in a calm, consistent and supportive manner.
- Offer suggestions on practical ways to handle stress.
- Remind staff and parents that the school environment is everyone's responsibility, and requires everyone's support.
- Develop contingency plans for emergency or violent situations.

It would be shortsighted to suggest that good discipline is solely a function of good rules, good management, and good communications within the school — every experienced teacher and principal knows that there are dozens of contributing factors to discipline problems, and just as many reasons for good discipline. It is essential to acknowledge, however, the

importance of effective management of the classroom and the school itself, along with a feeling of ownership of the existing rules by the entire school community, to create an atmosphere where problems can be addressed and success can be experienced.

The ultimate goal is to teach students to respect themselves, to appreciate the differences between themselves and others, and to respect the rights of others — students and teachers alike. The factors that will contribute most toward these goals are the daily modelling of these behavior principles by teachers and other staff members, and the opportunity for students to experience personal success through the work they undertake in a busy and productive school day. It is worth remembering what writer James Baldwin once observed — "Children have never been very good at listening to their elders, but they have never failed to imitate them."

The Role of the School District, Elected Councils or Boards

The District Education Council or school board, with its superintendent and administrative staff, is responsible for ensuring that the highest levels of educational standards and services are provided for every student. Together they represent community and provincial concerns in the governance of our schools.

Council members are elected officials who set policy and establish the tone and direction of the district's educational objectives. The

superintendent is an employee of the council, the chief executive officer of a staff comprised of other district employees who have been retained to implement the council's policies and programs, and to carry on the day-to-day business of running the schools throughout the district. Basically, the council is charged with responsibility for governance, while district staff is responsible for administration.

In the area of discipline, the Education Council creates policies designed to ensure that schools are orderly places of learning. Often it does this by describing what will **not** be permitted, more than by saying what is acceptable. A Council may decide to prohibit smoking on all school property within the District, for instance. The Council is responsible for setting guidelines that provide direction for teachers and administrators.

The superintendent is responsible for the thousands of details that make the District function. Whether working directly with teachers, principals and parents, or working through the team of specialists who comprise the District office staff, the superintendent must understand what the Council wants to accomplish, and make all the necessary decisions to ensure that those things get done. In the area of discipline, the superintendent ensures that District policies are upheld in the schools, and works directly with principals on strategies for improving school and classroom management. The decisions and actions of the superintendent and the District Appeal Committee reflect Council policy and the general need to maintain order and good discipline in classrooms. The superintendent's

It is worth remembering what writer James Baldwin once observed — "Children have never been very good at listening to their elders, but they have never failed to imitate them."

job is to firmly explain those policies to both parent and student, to ensure that proper procedure and due process are respected in each particular case, and to see that justifiable disciplinary measures are properly enforced.

The Regulations under the New Brunswick *Education Act* clearly state that the Superintendent plays a fundamental role in pupil behaviour. In Section 14 of Regulation 97-150, the responsibility of the Superintendent respecting pupils includes:

14 Subject to ... the superintendent of the school district shall require that every pupil

- (a) comes to school clean and tidy in his or her person and clothes,
- (b) avoids idleness, profanity, falsehood and deceit, quarrelling and fighting, and be kind and courteous to his or her classmates, obedient to his or her instructors and diligent in his or her studies,
- (c) conforms to the rules of the school,
- (d) provides an excuse from his or her parent or guardian for tardiness or absence from school,
- (e) attends the particular grade or class to which he or she is assigned,
- (f) is present at each required evaluation and examination,
- (g) is responsible to the teacher or to other personnel as designated by the principal of the school for any misconduct in or on school property,

Proactive strategies that minimize the number of problems and outbursts are much more valuable than reactive strategies that help us cope with the fallout from disruptive behavior that has already occurred.

(h) is subject to the supervision and control of the teacher while travelling to and from and while engaged in school-sponsored extra-curricular activities of any kind, and subject to discipline as provided for in the *Act* and the *Regulations* in the same manner and to the same extent as if attending regular school classes, and

(i) comes to school with the prescribed textbooks and school materials needed in his or her classes.

While the onus is on the teacher to enforce rules diligently and fairly, the principal, as educational leader in the school, is there to support the teacher, and the Superintendent, as CEO of the school district, is there to support the principal. And finally, the Education Council, as governing body charged with upholding the standards and policies required to ensure effective education, is there to ensure that proper behavior prevails by periodically reviewing discipline policies and guidelines, by ensuring that district discipline practices mesh with educational goals, and by supporting the decisions of their staff whenever legitimate sanctions are invoked in accordance with policy. When each accepts full responsibility for the role assigned, the system provides a full measure of support and balance that permits effective discipline to protect the orderly learning climate needed in our schools.

The Role of the Principal

The importance of the principal in establishing an orderly climate cannot be overstated. *Research has repeatedly shown that, in implementing any type of educational change, the most positive influence in any school is an effective instructional leader, a principal who is motivated to provide direction and support for all teachers and students in the building.*

Clearly, prevention is the key. Proactive strategies that minimize the number of problems and outbursts are much more valuable than reactive strategies that help us cope with the fallout from disruptive behavior

that has already occurred. Proactive strategies help to create a climate that is more conducive to learning.

For the principal, the question that must inevitably be faced is: when preventative strategies don't work, what do you do about it? Experienced administrators suggest strategies that may prove useful:

- *Stress behavior, not personalities* — understand that it's the incidents, not the people, causing problems. Tell a student offender clearly that you don't dislike him personally, but you do dislike his behavior in this instance.
- *Know how to deal with bullies and troublemakers* — the 2% of the student population who are uninterested in learning anything, and uninterested in your attempts to be reasonable. (See *Battling the Schoolyard Bully*, Harper Collins Publishers Ltd.)
- *Be firm and resolute* — if you expect rules to be followed, you and other staff members must stick to them, too.
- Understand that some incidents are criminal matters, and your main responsibility may be to call the police.
- Do not hasten to loosen your rules just because society's rules seem to be softening all around you — make sure that your school is a place where respect is required of students and teachers alike.
- Be aware of legislation which gives you guidance, i.e., *Human Rights, Charter, the Education Act*, etc.

Strategies for Principals

Successful principals understand the importance of a few key strategies:

- the importance of being visible — the principal who is regularly seen in the corridors, the stairwells and the schoolyard is a constant influence; the principal who is present before trouble can arise stands a better chance of preventing that trouble,

while a principal who is rarely seen represents no real authority to would-be troublemakers;

- the importance of having a vision — clear expectations and values that are understood by everyone — of having and communicating a clear philosophy of education, and of standing for something;
- the importance of being responsible — principals who take their role and responsibility seriously will be taken seriously by others;
- the importance of modelling responsibility and acceptable behavior when carrying out noon-hour supervision, bus duty, etc.;
- the importance of being fair, and ensuring that due process is followed in every problematic situation, in accordance with the relevant legislation, and in line with District and Department policy;
- the importance of cultivating effective communications within the school, and with other schools or jurisdictions, to ensure access to information on problem students, and of establishing an orientation process and probationary period, where necessary, for incoming students;
- the importance of documentation — a written record of events and actions provides valuable support if the problem continues and questions are raised by parents, District staff, members of the Education Council and the importance of passing on relevant information on chronic behavior problems, perhaps in a confidential file, when a student moves to a new classroom or school;
- the importance of showing good judgment — of being accountable for one's actions, and of holding others accountable for theirs;
- the importance of being willing to act — all the rules and preparation in the world are pointless unless the principal is willing to take the lead and act when circumstances demand it — dare to confront!

The Role of the Teacher

The teacher creates the climate in the classroom that makes good discipline possible, both by modelling acceptable attitudes and behaviors, and by clearly explaining expectations and enforcing consequences. This task is made much easier when student motivation is high, and becomes increasingly difficult as student motivation deteriorates. For this reason, it is vital that the teacher use every available resource to keep motivation high, and keep students interested in participating in class activities.

The best time to begin boosting student motivation is the first class of the first day of the term. At the beginning of the term, student motivation is most directly affected by:

- careful teacher planning and organization, and
- conducting classes in a manner that sets clear expectations for co-operation and self-discipline.

Some students will test the teacher at the beginning of a term to see how little work the teacher will actually accept, and how much "goofing around" the teacher will tolerate. It is important to set the parameters from the very beginning. As the term progresses, if the teacher continues to maintain high expectations and the students see that their work and behavior are being monitored effectively, and that the consequences for poor work or misbehavior are clear and consistent, most students will continue to try to meet the teacher's expectations, and discipline problems will be kept to a minimum.

Effective discipline involves skills that every teacher can learn, but it is important to understand that good management is a process that teaches responsibility and not a final product. There are a number of helpful strategies that can be used daily to ensure that the process continues to evolve in a satisfactory way, and that the classroom is maintained as an orderly environment for learning.

Strategies for Teachers

Teachers who practise effective discipline use such techniques as:

- greeting students individually and in an invitational manner as they enter the room — the eye contact and the personal approach create a welcoming atmosphere;
- requiring everyone's attention before the teacher starts speaking;
- involving all students in the development of class rules and consequences;
- explaining classroom rules and consequences of misbehavior, or posting those rules permanently — teaching students exactly how the teacher wants them to behave and reminding them as required;
- regularly checking attendance;
- moving around the room frequently;
- carefully explaining all assignments, due dates, and the grading system used;
- monitoring all student work and behavior closely;
- teaching time management and organization skills;
- familiarizing oneself with developmental factors that affect behavior;
- understanding the skill levels of individuals, and using other expertise within the school or district when necessary;
- organizing activities to maximize student participation and success;
- being generous in using positive feedback with students;
- being prompt with gentle verbal reprimands when misbehavior occurs;
- always selecting the least intrusive strategy to gain student compliance;
- focusing on the behavior, not the student, when problems arise;
- having clearly expressed and understood expectations;

- developing a familiarity with as many different instructional strategies and teaching styles as possible.

In planning and preparing a series of rules for classroom behavior, it is important that the rules be clearly explained, easily understood, and stated in positive fashion.

Since a few broad rules should be enough to cover most situations, try to compose a short list that sets out your requirements in positive and affirmative language. Here is a sample of the type of list that students should find easy to understand and accept:

- 1) Give every task your best personal effort.
- 2) Co-operate with others in the class and everyone will benefit.
- 3) While doing independent work, work quietly at your own desk until you have finished.
- 4) Raise your hand if you have something to say, or if you need help.

Along with clarity, another important element in setting rules and administering consequences is consistency. Students will have difficulty complying with rules when they perceive that some students get away with almost anything while some others get unduly harsh consequences for minor infractions. In spite of this, it is important to remember that behavior is always contextual, and there may be justifiable reasons for discrepancies in teacher responses to the same misbehavior. Disciplinary responses will vary with the number, the frequency and the severity of the offence(s).

Similarly, some types of responses — a suspension from class, for instance — may be a punishment to one student, while the same strategy would be seen as a reward to another. In such cases, for a consequence to be just, it may not be possible to make it precisely equal. For the teacher, it is more important that the consequence be seen as fair and "matching" the

situation in the eyes of all students than it is to always respond in exactly the same way to the same misbehavior.

Developing the Role of Students

As is stated in *Policy 703*, "students are responsible for their behaviour in accordance with their age and stage of development ..."

Maintaining an orderly learning environment is largely dependent on students who take responsibility for their own behavior and learn to practice self-discipline. Where students of any age have not yet learned to be personally responsible and to manage their own behavior independently, they must be taught the necessary skills to accomplish this. There are two main areas where the teacher will want to encourage the student to develop self-discipline skills -- in improving the quality of interpersonal interactions, and in setting personal goals that allow the student to experience success and achievement.

Naturally, it will be difficult for the student to improve the quality of his or her interactions with teachers without knowing clearly what type of behavior is expected and which types of behavior are considered unacceptable. The teacher should explain both types thoroughly, and should, in all dealings with the student, model the sort of respectful and courteous behavior that is required. Further, the consequences of misbehavior must be outlined and understood.

In designing the consequences of misbehavior, it is important to take into account the aims of particular students when they misbehave. Although the student's aim is not always clear at first, determining exactly what sort of reward is being generated for the student by the misbehavior is a fundamental first step in correcting the behavior. Frequently, especially with younger students, the reward involves attention in some form. A student who is insecure or whose attention needs are not being met in other ways, will often misbehave as a means of attracting that much-needed

attention. This presents special challenges for the teacher, but with careful observation and experience, the teacher can learn to respond appropriately and still ensure that consequences follow misbehavior promptly and predictably.

The chart below demonstrates some of the types of options to consider. The other consideration teachers must bear in mind with discipline strategies is the importance of being not only consistent, but persistent as well. If a discipline strategy does not work in the first instance of misbehavior, even when the student was previously warned of the possible consequences, don't be tempted to immediately switch strategies. Where a pattern of misbehavior is persistent, it will require a persistent approach from the teacher to correct it. It may take as many as three, four, or five consistently-handled episodes, always with the consequences following immediately but calmly, for the certainty of the situation to dawn upon the misbehaving student. If your discipline strategy is a good one, approach it professionally, and give it time to work.

Effective instruction depends on the teacher's ability to motivate students, and motivation is enhanced by acknowledging effort more than misbehavior. Regular acknowledgement of effort on the part of individuals and the entire group is vital in maintaining a positive classroom climate. Where effort brings attention and positive feedback, even the most unmotivated students learn the benefits of acting maturely, so good classroom managers learn to initiate many positive interactions with their students long before opportunities arise for misbehavior.

In discussions with teachers who deal with severe behavioral problems in their classrooms every day, it is obvious that there is no quick fix for the types of disruptions that might be caused by students determined to create a disturbance in class. While there are often similarities (from episode

to episode, and from school to school), there are also unique differences that are directly linked with the personality behind the disturbance in each case.

Typically, each individual story sheds light on an unfortunate personal situation that brought the student to this pattern of behavior. There are learning problems, emotional and physical problems, disruptions and threats in the home life, a history of juvenile crime, even, in one situation discussed with a teacher, a student whose mother had recently been murdered. Clearly these are students with extra pressures in their lives, and those pressures are threatening to force them off the educational track.

On the other hand, ask their teachers if there is anything at all that these students often have in common, and they will quickly produce a list of descriptors about attitudes, insolence and defiance. One teacher perhaps put it best, and spoke with absolute certainty. "These are kids," he said, "who have never learned the meaning of the word 'no'."

The Role of Students

We must not forget that students, commensurate with their age and ability to understand rules and consequences, should be held accountable for their own actions. We too often demean and devalue children by not expecting them to accept responsibility for their actions.

The New Brunswick *Education Act* clearly states that students have certain responsibilities in Section 14 — "Duties of Pupils":

Aim of Student's Misbehavior	Appropriate Teacher Response
● Enjoys one-to-one attention from the teacher	● Ration attention given to student as much as possible
● Feels powerful when teacher is angry	● Remain unemotional when enforcing consequences
● Feels important when talked to by teacher	● Avoid a lengthy reprimand or lecture

There are learning problems, emotional and physical problems, disruptions and threats in the home life, a history of juvenile crime, even, in one situation discussed with a teacher, a student whose mother had recently been murdered.

14(1) It is the duty of a pupil to

- (a) participate in learning opportunities to his or her potential,
- (b) accept increasing responsibility for his or her learning as he or she progresses through his or her schooling,
- (c) attend to assigned homework,
- (d) attend school regularly and punctually,
- (e) contribute to a safe and positive learning environment,
- (f) be responsible for his or her conduct at school and while on the way to and from school,
- (g) respect the rights of others, and
- (h) comply with all school policies.

The Role of Families

The Provincial Student Code of Conduct delineates expectations for student conduct and should be communicated to all students and parents.

Parents or guardians play a pivotal role in the development of responsible attitudes towards school, appropriate behaviour, and respectful interactions with others. In addition, parents have an essential role to play in supporting the learning environment in the school. The New Brunswick *Education Act* clearly outlines society's expectations related to the role of parents in educating their children.

Section 13(1) In support of the learning success of his or her child and the learning

environment at the school, a parent is expected to

- (a) encourage his or her child to attend to assigned homework,
- (b) communicate reasonably with school personnel employed at the school his or her child attends as required in the best interests of the child,
- (c) cause his or her child to attend school as required by this *Act*,
- (d) ensure the basic needs of his or her child are met, and
- (e) have due care for the conduct of his or her child at school and while on the way to and from school.

13(2) The parent of a pupil has a right to reasonable consultation with the pupil's teacher or the principal of the school the pupil attends with respect to the education of the pupil.

13(3) It is the responsibility of the parent of a pupil and of school personnel to conduct themselves in a respectful manner and to follow established procedures when involved in communications concerning the pupil.

The emphasis on proper communications throughout Section 13 of the *Education Act* is intentional. Research shows that students clearly perform better at school when there is interest shown in the home in student work and progress. For any parent or any teacher concerned about a discipline problem, the need for clear communications is absolutely essential. Teachers should understand the value of communicating their expectations to parents early and clearly. Sharing information and agreeing on strategies for dealing with problems ensure a consistency that greatly improves the odds for success in addressing unacceptable behavior. Teachers and parents know that consistency and routine provide a backbone of stability and familiar expectations that can bring successful results with any child.

Some schools have adopted a strategy of asking teachers to make a number of positive-intervention phone calls to the homes of students each month — teachers call home to tell parents that their son or daughter is doing well, or has done something helpful for a teacher or a fellow student on a particular day. Positive referral forms or letters are usually very helpful. The idea that a call from the teacher means good news, rather than the expected bad news, can have a dramatic effect on the student's self-image and the climate of co-operation and communication between the school and the home.

Perhaps most importantly, the home and the school need to be aware of the tremendous damage which can be done by openly attacking or demeaning the legitimate actions of a parent or a teacher/principal. It is essential that a student sees the home and the school working together to arrive at solutions which are in the student's best interests. Where a problem already exists, any open hostility between the home and the school will only make the problem more difficult to solve.

Communications provide a tool we can all use (teachers, parents and students) to improve our ability to work together. Clarity and consistency may take a little extra time, but the results will show that it's time well spent.

Legal Considerations for Discipline Policies and Practices

Increased attention has been given recently to violence in our schools, and with greater concern now also being given to human rights issues that affect schools as well as other public institutions, teachers and administrators feel that questions about the law and the impact of our laws on school life require ever-increasing time and attention. Teachers feel the weight of legal responsibility more than ever before.

According to the New Brunswick Office of the Ombudsman, there are over forty pieces of provincial legislation, including the New Brunswick *Education Act*, that have some bearing on schools and teaching practices. This

does not include federal legislation like the *Charter of Rights and Freedoms*, the *Youth Criminal Justice Act*, the *Canadian Bill of Rights*, and other federal statutes.

The Charter

To assist educators, students and other stakeholders, the Public Legal Education and Information Service of New Brunswick has prepared a document on some of the more significant aspects of the Charter which pertain to schools. It is entitled *School Law and the Charter: Balancing Interests*. The document includes useful information on authority within the school system; rights governing search, seizure and detention; the acceptability of particular forms of discipline; and anecdotal material covering particular cases which have come before the courts, and the basis for the final decision in each instance.

In essence, the message conveyed by most of the material covered in this and other documents can be summarized by saying that teachers and administrators need to be aware at all times, not only of what they are doing, but of the perceptions others may have of what they are doing, of the importance of due process in all disciplinary procedures, of the need for careful documentation of incidents, and of the need for each of us to act appropriately to preserve the integrity of the entire educational system.

(NOTE: See section on Due Process and related concerns in Appendix A of this Handbook.)

Principals should be willing to use suspension, and even repeated suspension where necessary, as a tool for dealing with students demonstrating chronic behavior problems that disrupt the school climate.

The Act

Although the New Brunswick *Education Act* instructs teachers to maintain order and discipline in our schools, many teachers suggest they have lost the means to do so. The time-honoured tradition of after-school detention has ceased to be an option in many cases due to the demands of the school bussing schedule. Many schools are now reluctant to suspend students because of the administrative price of lengthy appeal processes and the threat of civil action against them in our courts.

In spite of this, administrators and teachers need to remember that they must create their own climate within the school and within the classroom. Principals should be willing to use suspension, and even repeated suspension where necessary, as a tool for dealing with students demonstrating chronic behavior problems that disrupt the school climate. The concept of suspension exists for this purpose — the regulations exist, and the proper procedures have been defined within the system so that this tool is available for use when it is deemed appropriate by an administrator.

The *Education Act* and *Regulations* clearly specify the authority available to teachers and school administrators to expect and enforce acceptable standards of behavior, and Districts are empowered to support the teachers in this quest for an orderly classroom atmosphere.

Assault

In New Brunswick, attacks on teachers by students have increased in recent years — both attacks of a physical nature and attacks of a verbal nature. Under the existing law, both of these types of incidents can qualify as "assault", and both are offences that are prosecutable in a court of law. Provincial courtrooms have recently seen more of this type of proceeding, and some judges have openly declared a refusal to condone such activity in classrooms. A typical sentence following a successful prosecution for student assault upon a teacher involves not only a guilty verdict, but also

provides the direction of the court that the student's behavior be controlled, under threat of further penalty, along with fines of up to \$500.

Creating a Disturbance

In dealing with non-students or former students who represent a potential disruption for the school population, principals should not hesitate to use the New Brunswick *Trespass Act* as a resource for dealing with unwelcome individuals and intruders on school property, whether those individuals be drug dealers, troublesome youth from outside the school, or angry and irrational parents. In relation to this provision, Section 22 of the *Education Act* specifies the following:

22(3) Where a person in or on school property,

- (a) uses threatening or abusive language, or
- (b) speaks or acts in such a way as to impair the maintenance of order and discipline in or on school property,

that person commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category C offence.

Trespass

The New Brunswick *Trespass Act* itself offers direct support for this type of intervention. The action recommended therein was endorsed by both the Department of Justice and a number of external agencies, including the New Brunswick Teachers' Association.

Section 2(1) states that

"No person shall trespass on:

- (b) the premises of a school, vocational school, university, college, trade school or other premises used for educational purposes ...

with respect to which he has had notice from an authorized person not to trespass."

This provides principals with the needed authority to get potential troublemakers off school property, but like any legal tool, it is only valuable when used appropriately.

Wherever serious problems arise, teachers and administrators will need to be able to isolate, identify and understand the true nature of the problem. They will need to carefully consider the specific misbehavior in light of related rules and legislation. And, especially in the more difficult situations, they will want to ensure that due process is followed carefully and actions taken are documented

Police Intervention

A principal should not hesitate to call upon the police for assistance in serious situations. One of the most important judgments a principal can make in some of these serious cases comes from distinguishing between simple “*in loco parentis*” issues where school officials are justified and correct in taking reasonable disciplinary action for violations of school rules, acting in the place of a fair and judicious parent, and more serious infractions which require assistance from the police. These more serious matters cover a broad range of topics from possession of a concealed weapon or drugs, through episodes of violence, and would even include the removal of unwanted persons from school property.

Record Keeping and Due Process

Perhaps the most important consideration in these disciplinary matters, from a legal standpoint, is the necessity of not only providing due process, but also of documenting how this was done. Keeping a record of incidents and actions taken, opening a file on students who are repeatedly brought before the staff on discipline questions, and ensuring that all significant exchanges with students facing disciplinary action are witnessed by another adult — all of these are practical steps which every educator should consider in approaching serious discipline problems. The more serious the particular episode and the more serious the

consequences — i.e. long-term suspension, or police intervention — the more important due process and documentation become. Where an offence is serious, it is vital that students get and be seen to get a fair hearing before any type of judgment or disciplinary action is taken. Likewise, such students must have ready access to an appeal process.

NOTE: To assist educators with this type of record keeping, a sample Behaviour Tracking Form is provided in Appendix C. It can be used to quickly record details of each disciplinary situation and how it was handled, and can be kept as part of a student file for easy reference at a later date.

There are a few guiding principles which might be of use to teachers and administrators:

1. The fundamental freedoms of the *Canadian Charter of Rights and Freedoms* and equality rights governed by human rights legislation must be respected in all schools, and no school program or regulation should impose conditions that permit discrimination.
2. Rules and regulations must be rationally related to accepted educational objectives, must be consistent with school district policy, and must be free from arbitrariness.
3. In considering student rights the court will weigh the needs of the school to limit an individual's freedom in specific situations, and will place the burden of proof on the school to rationalize the approach taken.
4. In cases where disciplinary action taken against a student confronts constitutionally protected liberty or security, school officials must provide due process and should document carefully.

The courts now see a student's education as a right which has real substantial value, in that

it directly affects an individual's future employment prospects and ability to earn a living. Hence, the importance of due process in any action that would remove this right from an individual, either temporarily or permanently, is essential.

Reason for Optimism

On the whole, educators should feel optimistic about, and supported by, the law. In general, court decisions have supported the decisions of school administrators who were exercising their best judgment in the fair and reasonable pursuit of disciplinary action required to maintain the school as an orderly place of learning. The exceptions have usually been in cases involving abuse, neglect, or some unreasonable application of the rule.

The law is not the enemy of educators, and no teacher or principal should ever become so overwhelmed by legal complexities that they lose sight of the real purpose for exercising reasonable discipline — to ensure that school is a place where all students have an opportunity to obtain a quality education, from teachers who have made a career of helping them do just that.

Afterword

The reasons for discipline problems, and for the absence of them in an orderly school, are complex and varied. We must recognize that any successful strategy can only be said to be

usually effective. There will be those "wild card" elements involved from time to time, students for whom absolutely nothing seems to work, students who make it their full-time occupation to *ensure* that nothing works. For those students, and for the teachers who struggle to cope with them, each case seems to require its own individualized handbook, and a limitless amount of patience and ingenuity on the part of the educators involved.

With this handbook, however, we have endeavoured to provide a starting point for thinking seriously about discipline and classroom management issues, and for frank discussions among teachers, administrators and other stakeholders in the education system. Those discussions, and the action plans developed by schools and districts, will provide the momentum needed to move toward the more orderly schools that everyone from kindergarten parents to the Minister of Education hopes for in New Brunswick.

In the end, it is the individual teacher who creates the climate of justice and discipline within the classroom, and it is the principal working closely with teachers who creates the climate within the school. Commenting on the education process, Swiss psychologist C.G. Jung once observed that it is not so important what the teacher says or does when standing before a room filled with children, but rather what he or she is that will ultimately matter most. Children, according to Jung, are not easily fooled, and will see through the most

And, for all of the other players, striving to support the teacher, the students and the school, the message is one of substance — say whatever you like, but you will be measured by your actions.

elaborate adult trickery. He said that psychotherapists have gradually learned that it is not a particular style of treatment, or a particular medication, or a particular hospital facility that has the greatest curative effect on the mind of the patient. "Rather," he said, "it is the *personality of the doctor* — and it is the same with education..."

For the teacher striving to manage the classroom effectively for the educational benefit

of every student, the essence of Jung's message is straightforward — ***treat your students with honesty and respect, and there is every reason to believe that most of them will show you the same consideration.***

And, for all of the other players, striving to support the teacher, the students and the school, the message is one of substance — say whatever you like but you will be measured by your actions.

SECTION B

SITUATION CASEBOOK: Scenarios and Suggestions

GENERAL STUDENT CONDUCT

- B1 • Cheating / Copying Assignments/Plagiarism
- B2 • Disregard for Studies / Refusal to Work
- B3 • Disrespect / Defiance
- B4 • Disrupting Others
- B5 • Disruptions on Busses
- B6 • Disruptions Beyond the Classroom
- B7 • Forgetting Class Materials
- B8 • Inappropriate Attire / Dress Code
- B9 • Insolence / Vulgarity / Profanity
- B10 • Late Assignments
- B11 • Name-calling / Bullying
- B12 • Skipping Classes
- B13 • Inappropriate Behavior by Exceptional Needs Students
- B14 • Attention-Getting Behaviors
- B15 • Tardiness or Truancy

POSSIBLE CRIMINAL ACTIVITY

- B16 • Alcohol at School
- B17 • Assault on Another Student
- B18 • Assault on a Teacher
- B19 • Concealed Weapons
- B20 • Sexual Misconduct
- B21 • Sexual / Physical Abuse Outside of School
- B22 • Substance Abuse / Possession
- B23 • Theft in the Community
- B24 • Theft in the School
- B25 • Threats / Phone Calls
- B26 • Trespassing (Non-Student)
- B27 • Vandalism

OTHER

- B28 • Irate Parents
- B29 • Suicide Threats
- B30 • Documentation
- B31 • Extracurricular Activities

NOTE: The suggestions made on the following pages are not intended to be prescriptive. There is no “one size fits all” remedy for discipline problems, but we have called upon the experience of a panel of successful educators to develop these suggestions. The suggestions are mainly for teachers, but ***remember the main theme of this handbook is that the classroom teacher or principal cannot be expected to solve discipline problems without support.*** We need the support of others in the system and particularly the support of parents. Without parental goodwill, support and cooperation, the best strategies will have little chance of lasting success. We do need support, but educators should remember that schools and teachers can set rules and enforce consequences, despite conflicting opinions and expectations from some parents, and despite occasional challenges to those rules.

Cheating/Copying/Plagiarism

Cheating/Copying Assignments/Plagiarism

Description:

The teacher receives a copy of a complicated assignment, handed in on time, from a student assumed to be incapable of doing this quality of work. Based on recent performance in class, contrasted with this carefully detailed assignment, the teacher feels certain the assignment was copied from another student or source.

OR

During a mid-term test, the teacher notices one student behaving strangely. The teacher sees the student glancing repeatedly at the work of a nearby student, and apparently checking some hidden notes.

Some Things to Consider:

- Copying assignments and cheating from another student's test paper seem to occur most often in subjects like math and physics, where short concise answers are required, rather than long responses.
- Multiple-choice tests are most open to copying, especially if students are seated near each other.

Suggestions:

- Clearly establish ground-rules and consequences before any test or assignment.
- Make sure you are right before accusing any student of cheating or copying.
- If the student admits to cheating or copying, the teacher and principal should then take appropriate action, in line with school policy on the subject, including calling parents.
- If the student persists in denying the cheating but the teacher has reasonable cause to conclude the student is lying, the parents should be called in.
- Insist that students who copy assignments or cheat on tests re-do the work later.
- Seek consequences that teach something about cheating and about fairness.
- Use non-writing assessment strategies that allow students to demonstrate achievement.
- In cases of plagiarism, the teacher should meet with the student to discuss issues surrounding plagiarism and assist the student to develop a plan to avoid future infractions and share the plan with parents.

Proactive Strategies:

- The school should have clear guidelines that clarify exactly what is considered cheating and copying — guidelines that include consequences to be discussed with classes and communicated to parents at appropriate times, especially at the beginning of the year and just before major tests or assignments.
- Teachers should set up the testing area properly, ensuring adequate spacing between students and no access to unauthorized materials.
- Teachers should position themselves strategically in the room and move around the room.
- Teachers should take time to define plagiarism periodically, and review the consequences of copying from the work of others. Consider a class discussion on honesty, values, consequences and short-changing yourself by this type of behavior.
- Teachers should use differentiated assessment strategies that allow students to demonstrate achievement in a variety of ways (art, drama, etc.)
- Teachers should periodically check student progress, especially on longer assignments.

Other Comments:

Apply district and provincial policy.

Review and apply school, district and provincial policies related to technology such as cell phones, iPods, Blackberry, etc. in the school and be especially vigilant during tests.

Disregard for Studies

Disregard for Studies/Refusal to Work

Description:

This student comes to school unwilling to work, begrudging the fact that his/her presence is required here from 8:30 to 3:00 every day. The student demonstrates no interest in the subject, no interest in class discussion, may engage in disruptive behavior, daydream, sleep, or simply present a dazed look for the teacher when called upon in class.

Some Things to Consider:

- School regulations should clearly indicate that all assigned work must be completed.
- The home influence is the single biggest factor here — if no support for homework or studies is coming from the home, a frank discussion with a parent is in order.
- The inspiration for this behavior may be at the school level also — it may be deliberate "cool" behavior.
- Ask yourself — is the student able to do the work? Is the student medicated, or using non-prescription drugs? Is the student over-tired from a job or other activity that might suggest a need to re-design the school program or non-school activities? Might there be abuse or neglect in the home environment? Is this new behavior?

Suggestions:

- Consider involving the school guidance counselor at an early stage.
- Determine if special assessment is needed, or whether the student has a specific reason for the behavior — does the student have a physical or a mental problem? Does the student have a learning disability? Is the student on medication? Is the student rested and fed?
- Find ways to encourage success and to create opportunities for successful experiences on a daily basis.
- Discuss the problem and your strategies for solving it with the student's parents, and with other teachers affected.
- Consider suitable consequences for continued behavior of this kind.

Proactive Strategies:

- Develop clear assignments with clear deadlines for all work and periodic progress monitoring for this student.
- Determine the student's interests, and then encourage work in those areas.
- School use of an agenda book, or daily planner, may help problem students organize their time and studies.
- Do an interest inventory with the students and consider alternate forms of tasks, assignments and assessments.
- Provide opportunities to showcase student work, talents and skills.

Other Comments:

Disrespect/Defiance

Disrespect/Defiance

Description:

The student has an "attitude problem" that makes meaningful communication with the teacher almost impossible. Not really a matter of profanity it is more a matter of persistent arrogance and a hostile tone of voice when called upon in class. The problem has progressed to a point where it threatens both the student's own performance in this subject, and the disciplinary atmosphere for the entire class. The sometimes subtle, sometimes blatant challenges that the student is determined to present to the teacher require prompt intervention.

Some Things to Consider:

- Authority to take disciplinary action is specified under the *Education Act*.
- Differentiate between disrespect and defiance — disrespectful behavior can be addressed and perhaps corrected through the educational process, but defiance is an emotional response pattern where rationalization rarely has any immediate benefits.
- Ask yourself: Is this a general problem with this student, or does it specifically occur with one teacher? Is this behavior directed only at teachers? Is this a recent development?
- If a specific incident is particularly intense, consider removing the student from the class.

Suggestions:

- Don't get emotional, fall into a yelling match, or allow yourself to mirror the student's angry tone — don't let your feelings dominate your actions.
- Remember that in-class confrontations only bring more problems later — look for a peaceful solution.
- Start with a private conversation — find out what is at the root of the problem.
- Bring in a third party if necessary — a principal or guidance counselor to mediate discussion, or a crisis response team.
- If the behavior persists, develop an Individual Behavior Support Plan in conjunction with the Student Services Team.
- If you feel your well-being is actually threatened, information may be laid with the police.
- Refer to Policy 703 and the Provincial Student Code of Conduct.
- Document all incidents and steps taken to remediate.

Proactive Strategies

- The school must have clear guidelines on handling behavior problems, and must have a process that is followed consistently by all teachers for removing a student from the class. Some schools have a crisis response team of trained adults always ready to respond.
- Teachers should be provided with courses on Non-Violent Crisis Intervention.
- Involve parents, administrators and student services early.
- Schools should establish protocols for dealing with situations which are, or have the potential to be, violent.
- Consider establishing a safe area in the school.

Other Comments:

Disrupting Others

Disrupting Others

Description:

This student is determined to distract others from their work, or to harass a particular individual who has been selected as a subject of unwarranted attention. That attention may take the form of spit-balls, paper airplanes, other flying objects, or some variety of verbal abuse. Whatever the details, the student or students being victimized lack the capacity to calmly go on with the assigned work, and increased absence from class due to claimed illness has been noted by both teachers and parents.

Some Things to Consider:

- This is another form of attention-getting on the part of the offending student, and a more aggressive form of the type of behavior seen in students who speak out in class, or act as "class clown". In this case, the attention-getting behavior may represent a real threat to other students. Remember that all students have a right to learn, and all teachers have a right to teach. Some familiarity with the student's home situation may be helpful, since it may be a factor in the student's need for attention and method for attracting it.
- Supply teachers need a thorough orientation to school procedures and problem students to minimize disruptions — using a buddy-system for new supply teachers may be helpful.
- This may be, or may lead to, a bullying situation which would be subject to Policy 703.

Suggestions:

- Discuss the problem privately with the offending student as soon as possible — underline what is normal and acceptable behavior, and seek suggestions about how the student's behavior might change.
- Consider involving the parents from the earliest stages of this type of behavior.
- Consider changing the student's placement or seating arrangement in class — even consider transferring the student to another class. The teacher's position is also critical — proximity to problem students is important, as is keeping them in view at all times.
- If the problem persists, exclude the student from class, and send him to the principal.
- Don't punish the entire class for the behavior of one or two students.
- Do not permit physical abuse of other students to continue. Where the disruption is serious enough to constitute assault, see the information given elsewhere under "assault".
- Discuss with the class how to deal with and ignore attention-getting behavior.

Proactive Strategies:

- From the opening of the school year, both the principal and teacher(s) should clarify what is, and what is not, acceptable behavior in school. Advise all students to keep their hands to themselves, and ensure that they understand what constitutes "assault" and what the legal consequences might be for anyone committing assault.
- Take time periodically, especially when other classroom discussion leads into it, to review what is meant by appropriate behavior.
- Take time to verbally reward any student who has been disruptive in the past but is now demonstrating periods of improved behavior.
- An inservice session or staff discussion on co-operative discipline and conflict intervention strategies may prove useful.
- Ensure that parents are aware of school rules and consequences.

Other Comments:

Disruptions on Busses

Disruptions on Busses

Description:

Bus drivers at your school report that student behavior on the busses has become increasingly problematic — rough horseplay, flying objects and frequent disruptions distract the driver and threaten the safety of everyone on the bus.

Some Things to Consider:

- Remember that, before all else, this problem is a serious safety issue.
- Remember that bus transportation is not a right, but a privilege.
- Administrators need to ask themselves whether this problem is linked with the individual driver or with particular students?
- Authority to intervene is given in regulations under the *Education Act*.
- In terms of expected behavior, the bus should be regarded as an extension of the classroom or school.

Suggestions:

- Investigate all incidents on busses thoroughly.
- Document everything carefully and note the action of the driver during any incident, as well as student behavior.
- Consequences for disruptions on busses must be immediate and serious.
- Inform and involve parents.

Proactive Strategies:

- At the beginning of the school year, and whenever a problem arises, take time to outline rules for behavior on the bus, the importance of safety, the rights and responsibilities of bus drivers, and the certainty of consequences.
- Some school busses are now equipped with space for video cameras, which may or may not be on the bus at any time, and with signs warning students that their activities might be recorded. This measure has been found to reduce disruptions significantly.
- Provide regular inservice for bus drivers on student behavior issues.
- Make parents aware of bus rules and consequences for disruptive behavior.
- In cases of a serious incident or persistent disruptive behavior, refer to Policy 703.

Other Comments:

Disruptions Beyond the Classroom

Disruptions in the Hall, Schoolyard, Assembly or Field-Trips

Description:

Outside the classroom walls, some students feel the usual rules for acceptable behavior do not apply. They seek opportunities on field-trips or during school assemblies to disrupt others with rough or offensive behavior, eating or drinking at inappropriate times, or breaking other school rules.

Some Things to Consider:

- Remember that all school-sanctioned activities require that school regulations be followed.
- Remember that liability is an issue in such cases — liability could be a problem for any teacher assigned supervision who is not present when problems occur.
- The courts have set a two-part test for student supervision:
 - (1) Was the supervisor present?
 - (2) Was the supervisor reasonably vigilant?
- The Provincial Student Code of Conduct clearly applies to all students in all school related activities and “in all instances that could have an impact on the school climate.”

Suggestions:

- Intervene quickly.
- Don't let slide what would be corrected in a classroom.
- Check the Extracurricular Strategies Checklist presented at the end of this section.
- Be sure students and parents understand that disruption of activities or failure to adhere to school rules outside the classroom will be treated seriously and will lead to consequences..

Proactive Strategies:

- Ensure that school rules, expectations for student behavior inside and outside the classroom, and the possible consequences for violations are communicated to students and parents early in the school year and periodically throughout the year.
- Teachers should be present and visible at all times — adequate supervision is the key to prevention.
- Be sure to have a sufficient number of responsible adults accompanying students on any field trips.
- Determine the “sufficient number” of adult supervisors by considering such things as: possible risks, age of the students, trained supervisors available at the site, student and district guidelines.
- Previous behavior problems might exclude some students from participating in future activities, field-trips, etc., for both disciplinary and safety reasons.

Other Comments:

Forgetting Class Materials

Forgetting Books & Assignments

Description:

This student has developed a habit of forgetting notebooks, textbooks and assignments, and the teacher finds it difficult to determine whether the behavior involves actual forgetting, or just a persistent and subtle way of thwarting authority.

Some Things to Consider:

- Determine whether this is an organizational problem, or a choice made by the student. In other words, does it require improved management skills, or does it require discipline?
- Consider the age and previous history of the student with regard to this type of behavior to help determine whether this is a discipline issue.
- Remember that there is a distinct difference between forgetting textbooks and forgetting notebooks or assignments — a spare textbook might be found in class, or the student can look on with another student, but forgotten notes and assignments leave the student without evidence of his or her personal contribution to your class.
- The *Education Act* and the Provincial Student Code of Conduct indicates that students must come to school prepared to work.

Suggestions:

- Home involvement is essential; where the behavior persists, call a parent.
- Review key organizational skills with the student, and discuss reasons for the problem.
- Don't make the problem bigger than it is by over-reacting at an early stage.
- Establish whether the missing assignment is actually forgotten, or not done.
- Establish clearly your expectations regarding this type of behavior.
- Make assignments part of the evaluation process, so they will be taken more seriously.
- Consider using daily period-by-period performance reports for this student, to be signed by each teacher in each class and by the parent(s).

Proactive Strategies:

- Discuss expectations, along with organizational strategies and time management tips, at the beginning of the school year.
- Handle all such cases with consistency, and in line with mutually-understood expectations.
- Take time to check the student's readiness at the beginning of the day, and suggest all students use an agenda book, or daily planner to organize time and studies.

Other Comments:

Inappropriate Attire/Dress Code

Inappropriate Attire/Dress Code

Description:

The student arrives for class wearing something inappropriate for school — wearing a T-shirt with an inappropriate logo or message (lewd, crude, vulgar, demeaning or containing a reference to drugs), or wearing jeans that are too-torn in the wrong places, or an outfit that is too revealing. The student's attire diverts the attention of classmates and/or contributes to a poor learning environment.

Some Things to Consider:

- Authority to take disciplinary action is specified under the *Education Act*. Legal precedent suggests that dress that is “likely to provoke disruptive behavior on the part of other students” is the strongest argument for requiring a change of attire.
- Remember that, in some cases, unusual clothing or headgear, possession of ceremonial objects, or apparently inappropriate attire for gym class may be attributable to a particular religious affiliation or physical impairment, and awareness of that condition would be important before taking disciplinary action.
- Any action should reflect an attempt to balance freedom of expression with a need to maintain a school environment that is conducive to learning.

Suggestions:

- Initially, it is best to treat all incidents as an unintentional error, rather than a deliberate disruption, and avoid over-reacting.
- Take the student aside and suggest that a change to something more appropriate would be important, and why this is so.
- Consider involving parents.
- Don't make it a personal issue - focus on what is appropriate for the setting.

Proactive Strategies:

- Include students in the development of a school dress code that applies to all students, as well as to staff and other employees.
- Keep several large plain sweatshirts on hand in the school for strategic use.
- Communicate the school's expectations regarding appropriate clothing to students and parents
- Review and apply district policies.

Other Comments:

Insolence/Vulgarity/Profanity

Insolence/Vulgarity/Profanity

Description:

A routine reprimand from the teacher produces an unexpected outburst from the student, who launches into a loud and abusive tirade generously sprinkled with vulgar language and expletives, capturing the attention of everyone in the classroom. In the silence that follows, the teacher's reaction is eagerly awaited by all.

Some Things to Consider:

- Be familiar with and consider school, district, and Department policies regarding such incidents.
- Insolence and vulgarity rapidly destroy an acceptable climate for learning, and should never be tolerated or ignored.
- Determine whether this is attention-getting behavior but do not underestimate its significance.

Suggestions:

- Don't get into a verbal exchange with this student.
- Don't get emotional — try to react calmly, and without any visible excitement. Your cool exterior will keep other students from feeling upset.
- Definitely have the student remove himself from the classroom — have him take a time-out.
- Inform school administration and involve the parents immediately.
- If the situation escalates, call in the crisis response team or whatever help is available to assist (see Defiance).
- Be prepared to call in authorities if necessary/appropriate.
- Intervene physically only as a last resort and only if safety is a factor.

Proactive Strategies:

- The school should have in place an emergency response procedure for disruptive situations which includes a process for removing the disruptive student or the other students from the classroom, and which may include a crisis response team.
- Knowing such episodes may occur, all teachers should consider in advance what their personal response might be.
- Provide staff training on Non-Violent Crisis Intervention strategies.
- Identify potentially violent students who may have a “short fuse”, or an anger management problem, and discuss with other staff the dynamics of using harsh language which may trigger an emotional response.
- Ensure students understand clearly that episodes of verbal abuse may constitute an assault — a criminal matter — and that teachers definitely will call the police, when appropriate.

Other Comments:

Late Assignments

Late Assignments

Description:

The teacher has notified the class that all assignments must be completed on time, and yet, on the final due date, one student does not have her assignment ready.

Some Things to Consider:

- Parental notes are sometimes used to condone missed assignments with a wide variety of excuses, ranging from claimed health problems, through attendance at sports activities, to religious ceremonies or restrictions that prohibited completing the work. In such cases, it is important to determine whether the excuse actually came from the parent, whether the parent actually believes the excuse is valid, and then to discuss the problem with the parent, stressing the importance of planning to avoid such last-minute difficulties.
- Remember that many students hold part-time jobs, which they may really need. Try to take a balanced view of the student's attempt to organize personal time.

Suggestions:

- Insist that all assignments be completed — when missed, they must be made up.
- Do what you say you're going to do, and follow through on prescribed sanctions.
- Teachers should model deadlines for students by returning marks on dates promised.
- Extreme cases of refusal to produce work are actually acts of defiance and should be handled appropriately (see Disrespect/Defiance).
- Utilize mentoring programs, where available.

Proactive Strategies:

- Each teacher should have clear procedures, carefully explained to the class and consistently followed, on the consequences of late assignments, and whether any flexibility or special considerations are available in particular circumstances.
- All directions and due dates should be given both verbally and in writing, with adequate advance notice.
- Consider using periodic checks on progress for major assignments — a date for confirming topics, another for outlines, another for first drafts, etc.
- The school staff should discuss common expectations and consequences for late assignments.

Other Comments:

Name-Calling/Bullying

Name-Calling/Bullying

Description:

It is clear that there are certain types of people for whom this student has no respect, and even feels justified in harassing when the mood strikes. It may be a religious, racial or ethnic prejudice, or a tendency to scorn students from poor or underprivileged homes. It may be that the inappropriate actions are evident at school or it may be that they are perpetrated on-line. In any case, it makes life difficult for the victims, and offers a dangerous role model for others.

Some Things to Consider:

- This is a self-esteem issue — it produces feelings of insecurity in the victims, and is usually instigated by a student who is troubled by feelings of insecurity and inferiority, choosing to mask those feelings by acting superior and disdainful of others.
- This is a situation where careful consideration must be given not just to the perpetrator, but also to the victim — take time to talk with the victim and demonstrate compassion.
- There is a wide range of behavior involved here, from name-calling to overt bigotry and racism — ensure that any action taken is appropriate to the age, development and ability of the students to comprehend the impact of their actions.
- Extreme cases may constitute verbal assault or harassment and may be subject to criminal charges.

Suggestions:

- Consider the use of group counselling, conflict mediation or peer problem-solving teams to help resolve any lingering dispute as a result of this type of behavior.
- Call the offending student's parents to discuss this behavior when it occurs.
- Don't underestimate the damage done by name-calling, or the pain felt by victims.
- Make sure that the victim's parents are aware of what is happening and what is being done to improve the situation.

Proactive Strategies:

- Take time periodically, especially when other classroom discussion leads into it, to review what is meant by appropriate behavior, appropriate language, and the value of differences among people.
- Take time to encourage respect for others — invite guest speakers to address related issues with your class (e.g., officials from the Human Rights Commission).
- Discuss scenarios in which any of us might feel ostracized, and how we might feel about being shut out or slandered.
- Consider initiating an anti-bullying program.
- Try to use episodes of this type as a teachable moment — one offering an opportunity for all students to learn an important lesson about values and acceptable behavior.

Other Comments:

School policies and communication with parents must make it clear that harassing/bullying activities and cyber-bullying will lead to discipline.

Skiping Classes

Skiping Classes

Description:

The student is regularly skipping a particular class, although otherwise attending school daily. Confronted by the teacher in the school corridor, he always has a flimsy excuse for the absence. Confronted by the principal, he complains about the teacher involved and says (s)he picks on him, making it unpleasant and uncomfortable to attend that class.

Some Things to Consider:

- Always refer to existing school and district rules on skipping class/attendance.
- Where a student claims illness, consider the legal implications of leaving any student unsupervised in the sick room for an extended period — any secondary development or accident would focus responsibility on the teacher/school. Call a parent and consider sending the student home.
- Consider whether the student has a personal agenda that might have a bearing on the situation — e.g. missing sufficient time to warrant dropping an unwanted course.
- Refer to Policy 703 and the Provincial Student Code of Conduct.

Suggestions:

- Treat student comments seriously — whether illness or teacher conduct — and always follow up to determine if there are underlying causes.
- Contact a parent to advise the home of the situation and planned follow up.
- Invite the assistance of school officials (vice principal, guidance counsellor, etc.)
- Utilize mentoring programs, where available.
- Ensure that the student makes up any lost time or work.
- Consider changing the student's schedule or class assignment.
- Treat this behavior, especially if persistent, as a serious issue, warranting escalating interventions.

Proactive Strategies:

- Every school needs clear procedures for attendance in class, and for handling cases of student illness and/or injury.
- The established procedures should always be followed, and attendance in all classes should be monitored carefully.
- Ensure students and parents are aware of attendance and truancy policies.

Other Comments:

Inappropriate Behavior by Exceptional Needs Students

Description:

Even common discipline problems, or almost any form of student misbehavior, can be further complicated when the student who must be disciplined is an exceptional needs student or one who has a behavioral disorder. Teachers may hesitate to discipline such a student, expecting a different type of reaction if an attempt is made to correct his or her behavior.

Some Things to Consider:

- Although some accommodation is necessary — “to the extent that is considered practicable” and with “due regard for the educational needs of all pupils”, according to section 12(3) of the *Education Act* — exceptional needs students should not be given license to misbehave.
- Consequences will necessarily vary in particular cases, in the interest of fairness and in order to ensure the most appropriate response.
- Refer to Policy 703, the student’s SEP, and any district policies related to behavior and exceptional needs students

Suggestions:

- Involve the school administration immediately.
- Do not hesitate to use school and district resource people — consult with experts who specialize in dealing with exceptional needs individuals and difficult situations, and have them discuss available options with teachers and other staff members.
- Don't be tempted to set up two levels of behavior for different types of students, or to adjust school rules for certain exceptional needs students — the same rules apply for all, although consequences, as noted above, may vary where appropriate.
- Involve the home — call the student's parent and seek their support.
- Use the support of the school’s crisis response team, as discussed earlier (see Defiance), to remove the student from class, if necessary.
- In serious cases, refer to Social Development personnel, police, or other agencies, as appropriate.
- Document cases and develop a behavior plan for handling episodes with particular students — a plan that can be passed along if the student moves to another school.

Proactive Strategies:

- All teachers should share the same expectations for all students, in terms of acceptable behavior — discuss the issue at a staff meeting and achieve consensus on a process for handling this type of problem.
- Inform supply teachers of particular cases they may need to know about, and established procedures for handling serious situations.
- Remember that consistency is vital.
- An orientation program for new exceptional needs students is usually helpful.
- Provide Non-Violent Crisis Intervention training for all staff.

Other Comments:

Attention-Getting Behaviors

Talking/Attention-Getting Behaviors

Description:

This student's name is familiar to everyone in class from the first week of school, since the teacher is constantly saying it, chastising him -- sometimes gently, sometimes not -- for talking to other students, speaking out at inappropriate times, cracking jokes, and engaging in bits of theatre for the benefit of classmates while the teacher's back is turned, and sometimes even when it's not. He is disarmingly charming, and never malicious, but often controls the attention of his classmates in ways that detract from the teacher and the lesson plan.

Some Things to Consider:

- This is often a judgment call — be careful not to appear inconsistent by ignoring behavior one time and reprimanding it next time. Also, be consistent and fair with all students.
- Timing is often critical in the reception student comments will receive, and well timed jokes can sometimes even help the class atmosphere.
- Remember that this behavior can serve a purpose for the student, and for the teacher:
 - it apparently allows the student to get the needed attention
 - it may provide a teachable moment — a diversion point to a worthwhile lesson
- The teacher's sense of humor, or lack of it, is critical here.
- Is this student not understanding the course material, and using this behavior to combat boredom, or as a cover for lack of understanding?
- Is this student bored and/or in need of more challenging material?

Suggestions:

- The student's placement in class is critical — don't hesitate to move an offender.
- Don't let joking and distractions interfere with the education of this or any other student.
- Don't be tempted to verbally spar with the student.
- Don't make it a big issue unless it is repeated behavior.
- Tell the student in front of the class that you want to see him later — make sure everyone knows that the matter will be addressed.
- Discuss the limits of acceptable behavior and impropriety with the student after class.

Proactive Strategies:

- Have a private chat with the student before it becomes a crisis.
- Agree on a private signal you can use with this type of student to signal that the limits of acceptable behavior, or what you will tolerate, are about to be surpassed. Use your location in class (proximity to the student) as a reminder of your expectations.
- Be careful with any promises or threats made to the student which you may not want or be able to fulfill later.
- The home needs to be involved wherever this behavior is a problem — call a parent.
- Develop an understanding of the reasons for attention-getting behavior — is it developmental? Is it a means of seeking acceptance?

Other Comments:

Tardiness or Truancy

Tardiness or Truancy

Description:

The student is habitually and persistently late in arriving for class, or regularly fails to show up at all for the school day. When asked to supply an excuse, the student hedges, or offers lame excuses, or obviously forges parental notes. The problem escalates to the point where the repeated lateness has become disruptive to the rest of the class and a poor model of acceptable behavior for others. Several attempts to contact a parent have met with no success.

Some Things to Consider:

- Authority for action is contained in regulations under the *Education Act*.
- Refer to existing school and district policies on tardiness or truancy.
- Consider the student's age in taking action — it will be very difficult to take any action other than school-based with students who are 16 years of age or over.
- Refer to the Provincial Student Code of Conduct.

Suggestions:

- The teacher should model prompt and regular attendance.
- Talk with the student in question to determine the reasons for absence or lateness — if the situation warrants special consideration, be prepared to adjust guidelines in the interest of fairness.
- Talk with parents about the problem.
- Invite the assistance of a school official (vice principal, guidance counsellor, etc.) in addressing the problem.
- If no results can otherwise be obtained, consider involving a social worker.
- Require the student to report to the office daily upon arrival.
- Require the student to make up all missed time and work.
- Do not condone or accept this behavior when it is not excusable— act quickly to curtail it.
- Try to be fair and sensitive to individual needs and circumstances in enforcing rules.

Proactive Strategies:

- Every school should have a consistent process in place for dealing with cases of tardiness or truancy. The school rules and consequences for violators should both be very clearly understood by all students, teachers and parents, and need to be supported at the district level.

Other Comments:

Alcohol At School

Alcohol or Controlled Substances at School Functions

Description:

Drinking at school functions, or arriving at the function intoxicated after drinking elsewhere, is a serious problem. Teacher chaperones dealing with young people who have been drinking need to handle the situation carefully, and be aware of the serious problems that might arise during or after the function.

Some Things to Consider:

- Remember that possession of alcohol by a minor is an offence under the *Criminal Code*.
- The very real risk of liability faces teachers if a student is injured in this situation — whether the student is in a fight, in a car accident while drinking and driving, or simply slips in the washroom, the teacher could be held liable for permitting such an event to occur by not intervening when aware that there was alcohol involved.

Suggestions:

- Immediately involve parents — they must come and escort their child home. Remember that the student needs a safe way home, and should not be permitted to leave walking or driving.
- Suspension from similar functions in the future should be a consequence of this behavior.
- Teachers should destroy all seized alcohol with witnesses, unless it will be required as police evidence.
- Don't turn away drunk students at the door — there is a high risk of liability if something happens subsequently. Without getting into an altercation, make your best effort to ensure the student's safety until the parents can take control. Consider involving police if the situation deteriorates in any way or if parents are unavailable.

Proactive Strategies:

- Ensure that the rules on drinking at school functions are known to all, and that the consequences of violating those rules don't vary from person to person, or from function to function. The absolute certainty of consequences may be more important than their severity.
- An information sheet outlining school rules, sent home for parents at the beginning of the year, would be useful.

Other Comments:

Assault on Another Student

Assault on Another Student

Description:

A fight has erupted in the hallway or the schoolyard, and there is little question about who started it - or else the threat of a fight has been issued by one student to another and the class is buzzing with the prospects of a fight after school. Regardless of the form it takes, one student is clearly the victim, while the other is clearly the active perpetrator who instigated the situation. It now falls to the teacher to be more than a referee.

Some Things to Consider:

- Students should not be permitted to think that school is a safe haven for petty tyranny, or some separate society where the usual legal rules do not apply — in cases of assault, the same rules, and same consequences, apply on school property as elsewhere.
- Policy 703 - Positive Learning and Working Environment, makes it clear that physical violence is not to be tolerated in the school setting.
- Always follow school and district policy in handling assault, and consider the provisions of the Criminal Code in such matters. There you will find the intentional use of force, attempts to use force, or threatening to use force against someone without his/her consent all constitute episodes of assault.

Suggestions:

- Get help from colleagues and/or the administration and intervene without putting yourself or others in danger.
- Contact both sets of parents immediately and inform them of the incident.
- Consider the severity of the assault, the students' ages, etc., and then consider reporting the matter to the police. Where the assault is severe or the victim has been injured, police and district officials should be involved.
- Remember that the teacher should inform the administrator, the teacher or administrator should inform parents and then district officials and police as necessary. School officials do not determine whether to lay charges, that is a police decision.
- Handle all such situations consistently and thoroughly, in keeping with district policies — apart from possible legal consequences, there must be school consequences for assault.

Proactive Strategies:

- Clarify early what is acceptable behavior, and the consequences of unacceptable behavior.
- Clarify early what is illegal, and what constitutes "assault".
- Clarify early that the same consequences exist at all levels of society, including school.
- Teachers and principals should be present and visible throughout the school and on school property, to reduce the risk of fights occurring.
- Conflict intervention strategies should be part of a staff inservice plan — ensure that teachers know how to get help when necessary, and that staff members understand the protocol for providing that help.

Other Comments:

Assault on a Teacher

Assault on a Teacher

Description:

The student responds to the teacher's rebuke for not having an assignment done by leaping to his feet, shoving the teacher against the wall, and repeatedly shoving and striking him while yelling suggestions about what the teacher can do with his assignment. The student is big and angry and plainly accustomed to fighting. The teacher is none of these things, but badly needs to regain some composure and control in the situation.

Some Things to Consider:

- Authority to act is found in district and school policies, Policy 703, and in the *Criminal Code*.
- Remember that a teacher is permitted to use reasonable force to defend himself/herself or students. (S.43(1) of the *Criminal Code*: Reasonable force: "no more than is necessary to enable him to defend himself").
- Generally, whether or not to report the incident to police in a case of assault is not simply a personal decision for the individual teacher — it becomes an institutional problem and may require institutional action on behalf of the particular teacher, and all teachers. The teacher does not need permission from the principal to call police, but it makes good organizational sense to report to the principal and have him/her make the call. If in doubt, the principal may *apply to the Superintendent for advice*.
- Consider the age and behavioral history of the student.
- This kind of behavior will normally lead to a suspension under school, district and provincial policies.

Suggestions:

- Do involve police — and do it right away, where the circumstances (i.e., age of the student and severity) warrant it.
- Quick decisive action is essential for the sake of the whole school climate — consequences must be immediate, and must be apparent to students and teachers alike. Remember that you are not only disciplining the student, but sending a message throughout the entire school.

Proactive Strategies:

- Clarify your expectations with regard to student behavior in dealing with any teacher.
- Clarify early what is considered unacceptable behavior.
- Clarify early what is illegal, and what constitutes "assault".
- Clarify early that the same consequences exist at all levels of society, including school.
- School and district policies should identify clear consequences for such behavior.
- Refer to the School Crisis Response Plan. (See Disrespect / Defiance)
- School handbooks and policies should contain reference to students and staff treating each other with respect at all times (even outside school hours).
- Teach the Student Code of Conduct.

Other Comments:

Concealed Weapons

Concealed Weapons

Description:

While leading a class of students toward the gym for assembly, a teacher notices a suspicious bulge under one student's jacket and discovers the student is carrying a hunting knife.

OR:

A quiet and concerned student confides in a teacher between classes that someone in class is carrying a knife and may be planning to use it to resolve an ongoing dispute with another student. Although worried, the student does not want to be linked to the incident and is hesitant to identify the knife-carrying student.

Some Things to Consider:

- Once you have information regarding a concealed weapon on school property, it must be reported to school administration.
- Refer to Threat Assessment Protocols.
- Policy 703 is clear that this is unacceptable.

Suggestions:

- Involve the school administration immediately.
- Investigate the situation quickly and carefully — treat it very seriously.
- Call police immediately, based upon Threat Assessment Protocols.
- The weapon should be obtained from the student if possible, unless it is being used in a threatening way — in such cases, call police at once. Do not attempt to “seize” a weapon from an armed student.
- Call the parents.
- If the student's intentions were relatively harmless, discuss the serious possibilities and potential hazard with the student — stress that it should never happen again.

Proactive Strategies:

- School rules should state clearly that it is not acceptable to carry a knife or any other weapon on school property.
- An information sheet outlining school rules, sent home for parents at the beginning of the year, would be useful.
- The district and the school should have clearly stated consequences for possession and use of a weapon. (See Policy 703 - Appendix F)

Other Comments:

Sexual Misconduct

Sexual Misconduct in the School

Description:

Possible episodes that might be considered "sexual misconduct" in the school are numerous and varied. They would range from sexual activity between teenagers in inappropriate places, to incidents of masturbation, self exposure, and other activities deemed to be misconduct in a school setting. (More serious offences under "sexual abuse" are discussed in a later section.)

Some Things to Consider:

- Check school policy, district policy, Policy 703, and the Student Code of Conduct before taking disciplinary action.
- Legal considerations are critical — some things should be handled by police and the courts.
- Involve the home — determine whether the home environment is a contributing factor in the misconduct that occurred.
- Consider the age of the individual or individuals involved, whether this is a first-time offence or an habitual activity, the seriousness of the activity, and whether it was performed innocently or deliberately, with the intention of harming or shocking others. With the different levels and varieties of problems that might arise, different styles of intervention are essential.
- These cases require good judgment by teachers and school officials.

Suggestions:

- Inform the administration of the problem at once.
- Individual opinions of right and wrong — acceptable and unacceptable — may vary in this area more than in most. Be sensitive, but act consistently.
- Carefully evaluate the seriousness of the incident, and any legal aspects which might influence your decision.
- It may call for guidance/counselling intervention, either individually or with a group.
- If the episode seems to revolve around the student's understanding of self-control and discretion, take time to thoroughly discuss these issues with the student(s) involved.

Proactive Strategies:

- Clear school guidelines on inappropriate behavior should provide the background that would minimize the number of incidents of this kind. Students need to understand that guidelines reflect broader public mores and expectations, and exist for the benefit of the entire community.
- Even relatively innocent sexual acts, such as necking in the hallway, may be embarrassing for others. Discuss this problem with the students, and encourage them to be aware of others' feelings.
- Workshops or theatre presentations on these topics offer a chance for useful discussion.
- Refer to Guidance/Health Curriculum outcomes.
- Refer to support programs that will present the topic of sexuality.
- Teach the Student Code of Conduct.

Other Comments:

Sexual/Physical Abuse Outside of School

Suspicion of Sexual/Physical Abuse

Description:

Due to peculiar behavior, a sudden shift in attitude, overheard comments or physical evidence such as bruises or bleeding, a teacher has come to suspect that a student is being physically or sexually abused.

Some Things to Consider:

- Follow school, district and provincial guidelines.
- These cases require good judgment by teachers and school officials.
- Where suspicion exists, the teacher has an obligation to report the case to Social Development officials who will then determine the proper course of action. Failure to report constitutes a serious offence.

Suggestions:

- It is not the teacher's job to investigate or validate the suspicion, but rather it is the teacher's duty to report it to officials who have the expertise and authority to investigate and protect the child if necessary.
- Remember that teachers have a legal obligation to report any suspected abuse — the consequences of failing to report are clear and may be severe.

Proactive Strategies:

- Clear school guidelines on inappropriate sexual and physical behavior, both in the school and outside it, should be provided for all students and discussed early in the year. Students should be invited to discuss any problems they experience at any time with a teacher or the school guidance counsellor.
- Staff members should be provided inservice to help them understand how to recognize signs of abuse, and to review guidelines on the correct process to follow in reporting these cases.

Other Comments:

Substance Abuse/Possession

Substance Abuse/Possession of Controlled Substances

Description:

A student shows up in class after recess with a glassy-eyed stare and reeking of marijuana. Asked about the aroma, the student grins and says some other students were smoking cigars across the street during the break.

OR:

While stuffing books into a locker, a student accidentally drops a plastic baggie to the floor. As the student scoops it up, a passing teacher notices it and wonders if it contains drugs. The student denies it, and will not produce the baggie for inspection.

Some Things to Consider:

- The use and possession of controlled substances are criminal offences.
- Most districts and schools will have policies related to these issues — be familiar with them and refer to Policy 703. Keep District Office informed in these cases.
- To model acceptable behavior and social standards, schools need to practice zero tolerance for these types of offences.
- When drug use becomes acceptable, the school society is definitely deteriorating.
- Ask yourself: Is this student using prescription medication of some kind?
- Remember that there may be certain obligations or liabilities faced considering your knowledge of this type of situation, even if no action was taken. If something was to happen afterward — a car accident, a house break-in, etc. — and a teacher had failed to prevent a student from leaving while under the influence of any controlled substance, the consequences for the teacher could prove unpleasant.

Suggestions:

- Take care in planning how you proceed — above all, don't taint any evidence by careless handling, or improper questioning.
- In cases of possession or sale, consider detaining the student and calling the police, rather than allowing time for anyone to inadvertently jeopardize the possibility of prosecution.
- Contact the home — never let a “stoned” student leave school alone, due to potential hazards while driving etc. Handle your *in loco parentis* obligations carefully until the student is delivered to either parents or police.
- Searches, other than checking school lockers or bookbags, may be best handled by reference to the police.
- Schools should consider and review procedures for dealing with these situations.

Proactive Strategies:

- Teach the Student Code of Conduct and Policy 703.
- Clarify school rules, the *Criminal Code*, and a policy of zero tolerance for all students.
- Initiate a discussion among staff members on the topic, and decide how to handle such a case before it arises.
- Drug awareness programs and student assistance programs for drug/alcohol counselling have been found to be helpful in many schools — prevention is the key.

Other Comments:

Theft in the Community

Theft in the Community

Description:

As the lunch period ends, a call is received at the principal's office from a neighboring drug store where the manager reports two youths stole several small items and fled when confronted by a sales-clerk. The manager describes the two individuals and the principal consults with members of staff to identify the T-shirts and other descriptors provided. Two students, known to have gone to the mall over the lunch hour, clearly match the description, and the store manager wants to “press charges”.

Some Things to Consider:

- Under the *Education Act*, the school retains certain responsibilities for the student while on the way to and from school, and this includes the noon hour.
- Where a student has parental permission to leave school grounds at noontime, determining liability can be a very tricky business. If such permission is given, get a signed letter, accepting full responsibility for the student's actions, and keep it on file.
- The age of students is a factor here — aged 16 and over, they may leave the school grounds.
- If police arrive without warning to question a student regarding a theft, the principal may find himself/herself acting *in loco parentis* to safeguard the student's rights. Parents should be contacted immediately, and may need to be present before police question an under-age student.
- Video surveillance cameras may have recorded suspicious activity.

Suggestions:

- Remember that liability is a big issue in this type of case — handle the situation carefully and properly.
- Document everything and co-operate fully with authorities.
- Where theft occurs, during school-sponsored activities in the community, school-based consequences may follow.

Proactive Strategies:

- An early “pep talk”, using community expertise in crime prevention, with cautions and examples of students being charged might be useful in discouraging some students from considering shoplifting.
- Review with students both existing school rules and *Criminal Code* sections that pertain to theft.
- Consider this a topic when teaching the Student Code of Conduct.
- School Districts should have policy and procedures related to police investigations and what should be done when they arrive at school seeking to arrest or question students.

Other Comments:

Theft in the School

Theft in the School

Description:

A student reports to the teacher that personal property and money have been stolen from his desk during the lunch period. While there seems to have been little opportunity for another student to have done this, the victim suspects one individual, and indicates this to the teacher. The accused student denies it and uses a third student as an alibi. This student seems uncomfortable supporting the accused, but does so reluctantly.

Some Things to Consider:

- Authority to intervene is found under the *Education Act* and the *Criminal Code*.
- This is often a troublesome judgment call — depending on the nature of the incident, the degree of seriousness, and the individuals involved, it will be handled by either the school administration, or by police.
- If the matter is serious, notify police, and understand that any questions asked by teachers or the principal may damage any possible case.
- Age is a big factor in incidents of petty theft — is this an elementary student responding to a momentary opportunity, or an older student developing a solid modus operandi for thievery? Is the theft carried out secretly, or is money overtly stolen with a threat of violence?

Suggestions:

- Involve the school administration immediately.
- The school should decide immediately if this situation requires police involvement — if so, leave all investigation and questioning to them.
- If this is a school matter, investigate thoroughly — listen carefully to all parties involved.
- Make sure of the facts.
- Document everything that occurs — when interviewing individuals, you may want another witness present.
- Where a suspect has been established or confessed, a parent should be called.
- Where no clear suspect exists, officials should understand that a member of staff may be regarded as a suspect as readily as a student.

Proactive Strategies:

- Clear rules and consequences regarding theft need to be established in the school and understood by all students and staff.
- Warnings should be posted of the danger of leaving money and personal property unattended.
- Having a CrimeStoppers program in the school is helpful in reducing theft.

Other Comments:

Threats/Phone Calls

Threats/Phone Calls/Property Damage Against Staff Property

Description:

A teacher has begun to get strange phone calls at home. Sometimes the party calling simply hangs up when he answers, sometimes a few muttered oaths are heard first, and occasionally an outright threat is heard. The teacher and his family are nervous about how far the threatening caller may be prepared to go, and one morning he awakens to find his car damaged.

Some Things to Consider:

- Threats of this type are a legal matter — police intervention is warranted.
- Often students will be aware of a probable suspect in these cases, and may be willing to come forward with information, especially on an anonymous basis.

Suggestions:

- Don't ignore it — treat any personal threat as a serious matter.
- Remember that all but the most minor episodes require police intervention.
- Make the harassment known to the principal and the district superintendent.
- Take note of each incident of harassment and threat.
- Accumulate evidence carefully and document episodes thoroughly.
- School-based consequences need to be considered carefully and may include suspension.
- Restitution programs can be effective.

Proactive Strategies:

- Discuss with staff how to handle these episodes when they arise — agree on strategies and a process that can be followed consistently in your school.
- A school-based Crimestoppers program is often helpful in resolving property damage incidents.
- Ensure students are familiar with Policy 703 and the Student Code of Conduct.
- Ensure that students and parents are aware that out of school conduct may lead to consequences at school.

Other Comments:

Trespassing

Trespassing (Non-Student) Troublemakers

Description:

Trouble on the school property is directly attributable to several individuals who are not students at this school, but who hang around the area each day instigating trouble. Despite having been warned, they refuse to stop hanging around school property.

Some Things to Consider:

- The New Brunswick *Trespass Act* provides methods for dealing with this problem, and should be used by any principal who feels it is warranted. Under the *Act*, the school can warn an individual not to return, or face immediate prosecution.
- As a judgment call, the principal must decide, once the point is made with the intruders, whether to actively seek out chances to address the troublemakers if they linger in the area, or whether to only react when and if trouble is actually caused.

Suggestions:

- Order intruding troublemakers off the school grounds and serve them with written notice not to return. (A sample form for this purpose is provided in the Appendix section.)
- If necessary, clearly indicate that you will invoke the New Brunswick *Trespass Act* and call the police.
- Be consistent — non-students should not linger on school property without reason.
- If an older intruder/troublemaker is hanging around to wait for a younger student who attends this school, take time to involve the home of the younger student.
- If trespassing students are from another school, call the other school. It is important for principals to contact each other when such incidents arise.

Proactive Strategies:

- Consult with local police about their policy and practice on these matters and their recommendations on procedure. A meeting early in the school year between school staff and local police should establish expectations and recommendations on both sides. Prepare everyone involved for any incidents that might arise.
- To avoid these episodes, school property must be posted with “No Trespassing” signs.
- Prepare a written notice to use with offenders, like the one shown in the Appendix.

Other Comments:

Vandalism

Vandalism

Description:

Someone has been causing a disruption by destroying property in a washroom. Graffiti cover the walls, mirrors are broken, toilets blocked and ceramic bowls cracked. Since it occurred between the end of afternoon classes and the janitor's visit to the washroom at five o'clock, one or more students from this school are suspected.

Some Things to Consider:

- Remember that destruction of school property is a criminal matter.
- Vandalism within the school — carving desks, a washroom trashed, graffiti, etc. — should be pursued by school officials who may or may not summon police, depending on the age of the students, the degree of damage, whether the students attend this school or another school, etc.
- Where vandalism results from a break-in, it should always involve police.

Suggestions:

- As soon as possible (i.e. without destroying evidence required for criminal proceedings), repair any damage — don't allow any reminders of the vandalism or evidence of the school's deterioration to linger, or it is likely that problems will multiply.
- When a perpetrator is identified, contact home, seek parents' support and settle on a method for making restitution.
- Consider the ages of those involved and the seriousness of the matter. Consider involving police.
- Review videotapes from school security cameras.

Proactive Strategies:

- Keep things clean and fresh throughout the school — do everything possible to instill pride in the school and respect for the school's community property.
- Remember that keeping things clean is not just the custodian's job — it is everyone's job.
- Close off specific areas of schools during breaks, extra curricular events, etc., to minimize the need for supervision and the opportunity for trouble.
- Never turn a blind eye to the willful destruction of school property.
- A CrimeStoppers program in the school may be helpful in preventing these episodes.
- Utilize security cameras, where available.
- Familiarize students with Policy 703 and the Student Code of Conduct.

Other Comments:

Irate Parents

Irate Parents Over-Reacting to Student Treatment

Description:

At three o'clock in the afternoon, an irate parent storms into the school office demanding to see a particular teacher at once. The parent mutters something about teachers picking on his/her son and stands waiting at the doorway. It is clear that this parent is upset and angry, and that the teacher will be facing a very difficult encounter.

Some Things to Consider:

- Remember that many issues may be at the root of this behavior.
- Ask yourself: Is this unusual behavior for this parent, or is this the technique this parent uses to handle everything?

Suggestions:

- As a first response, make a reasonable attempt to calm the parent and to resolve the problem by inviting the parent into the office to discuss any concerns.
- As a teacher, you do not need to deal with the parent on your own. Arrange to meet in a neutral area (a private room or office) as soon as is convenient. Avoid disrupting a scheduled lesson or test for an irate parent who arrives unannounced. Have an administrator join you if you feel uncomfortable.
- Be certain you are seen to listen to what the parent says — the fact that you are paying attention will help to soothe the frustration, whether it is justified or not.
- Inform the parent of the details as you understand them, demonstrate that you have the child's best interests in mind, and try to exercise patience and flexibility. Take notes to provide a record of the discussion.
- Handle these problems face to face whenever possible — it is far better than on the phone or through email, and a meeting could be arranged on neutral ground, if necessary.
- If intrusions and angry displays become habitual, then all contacts with the school should be through a neutral third party — e.g., a district staff member or administrator.
- When reason fails, the New Brunswick *Trespass Act* might be considered, but recourse is found under the *Education Act*, where any teacher may order a parent to leave the school grounds if he/she is “creating a disturbance”. Failure to leave can lead to charges being laid.
- Don't deal with an inebriated parent — schedule another time, and call police if necessary.

Proactive Strategies:

- All schools should have a sign posted requiring all visitors to report to the school office.
- Discuss with staff how to handle these episodes when they arise — agree on strategies and a process that can be followed consistently in your school. The school secretary, who is often the first to deal with these individuals, needs some preparation and suggestions for handling these cases.
- Establish with parents appropriate procedures for airing differences or concerns based upon the principles of “If Conflict Arises”.

Other Comments:

Refer to “If Conflict Arises” — Appendix G

Suicide Threats

Suicide Threats

Description:

A student contemplating suicide has no particular look, and no particular problem that always produces the self-destructive impulse. The reasons for considering suicide, like the students themselves, are numerous and varied — a student: considers himself/herself unpopular; has had a girlfriend or boyfriend break off a relationship; has had an accident with a parent's new car and feels guilty and miserable; believes parents are disappointed for some reason... the list is endless.

Some Things to Consider:

- The sort of confidentiality that guidance counsellors usually like to maintain with a client cannot be a factor when a troubled student urgently needs help.
- Teachers and school officials should remember that additional “copycat” attempts by other students often follow an initial attempt at suicide.
- Coping with suicide threats or actual suicides is not a discipline matter, but it is a classroom/school management matter with real consequences for teachers and students alike.

Suggestions:

- Always treat all threats seriously and respond immediately.
- Involve the school or district tragic events team if necessary.
- Contact the home, Social Development or the Mental Health Clinic for additional assistance.
- With any threat or suspected possibility of suicide, there is an obligation to seek help, since the safety of the student is at risk.

Proactive Strategies:

- Remember that workshop sessions on suicide prevention and symptom recognition can be arranged through local Mental Health officials and/or school support personnel such as social workers or school psychologists.
- Utilize local resource people to discuss the issue with the entire school — students and staff.
- The school and district should have guidelines and protocols in place for dealing with both the threat of suicide and the resultant grieving that ensues when it does occur. These procedures will usually be co-ordinated through a Tragic Events Team.

Other Comments:

Documentation

Documentation

Description

Teachers are called upon to:

- mark tests and assignments
- prepare report cards
- deal with and report infractions of the rules
- record any disciplinary action
- participate in developing SEP's and IBP's

and must be prepared to explain or defend their statements on these and many other documents.

Some Things to Consider

- As part of your job function, you must keep records in accordance with established policies.
- It is possible to have almost anything we do scrutinized by individuals, both inside and outside the school system.
- Although it is very rare, documents like those listed above can even be used in a hearing or trial.

Suggestions

- All notations in discipline files or student record folders should be factual and presented in a professional manner.
- You are the trained educator — make all decisions based upon your training, current policies, and in good faith, and it will be very difficult, if not impossible, for any third party to find fault.
- Do not get overly stressed about perusal of your records as there is little you can do except be aware of the things under your control. Be professional and most people will respect your judgment.

Proactive Strategies

- Be aware of policies and guidelines relevant to keeping all types of student records.
- Treat every document as something that people outside the system including the parents, the students and others may access.

Extracurricular Activities

Suggestions When Accompanying Students on Activities Outside the Classroom:

- Careful planning is always a must.
- Anticipate problem situations and prepare for them.
- Reinforce the fact that regular school rules apply, even though you are not in the classroom. See Policy 703 and the Student Code of Conduct.
- Always have more than one adult, especially when travelling any distance — ensure that you have adequate help, some of whom are the same sex as the students involved.
- If the event requires staying away from home overnight, teachers should not share rooms with students.
- Use information sheets and permission slips, sent home in advance, to inform parents and obtain necessary consent. Keep copies in the school office. Remember that a signed permission slip will not protect you from liability if you are found negligent in a situation where a student is injured but it does heighten parental awareness and demonstrate their support for the activity.
- Ensure that you have students' Medicare numbers and emergency phone numbers — if a storm arises suddenly and you are delayed, parents will need to be informed.
- In case of a storm or other unforeseen circumstances which causes a change in travel plans, have a prearranged way to call all parents (a network).
- Know of any allergies, medical conditions, etc., and obtain permission from parents for any emergency medical treatment.
- Ensure that parents know that giving parental consent does not mean a total release from future claim.
- Somebody travelling with a sports team should know first-aid (Refer to provincial policy).
- Agree upon pick-up/drop-off times and places — never leave a student alone if he or she is not picked up at the arranged time.
- Teachers who choose to use a personal vehicle to transport students to and from school-sanctioned activities should consider: district and department policy on transporting students; guidelines concerning the type of vehicle that may be used and the insurance coverage recommended; and, the potential for personal liability in the event of an accident.
- Be aware of and follow school, district and provincial policies related to student travel and extracurriculars.

Note: All student travel is governed by Policies 512 and 513.

APPENDICES

Appendix A

Notes on the Concept of Due Process

(Prepared by Eleanor Doctor, B.Ed., M.A., LL.B.,
Barrister and Solicitor and Publisher of
EduLaw for Canadian Schools)

Procedural Fairness/Natural Justice

The common law right of a student to “procedural fairness” also called “natural justice” or, in the U.S., “due process” is rooted in the duty of all government bodies exercising governmental functions to accord fairness to those who may be seriously affected by their decisions. Government functions may be classified generally as follows:

1. The Legislative Function: Parliament and the legislatures enact legislation and delegate the administration of these laws to the Executive branch of Government.
2. The Executive Function: The executive branch of government including the cabinet and individual ministers administer these laws and sub delegate most of the administration to various boards and tribunals and a host of civil servants.
3. The judiciary monitors the application of these laws.

These categories, however, are frequently blurred with administrative bodies making subordinate legislation and hearing disputes on matters of serious consequence to the public. When school districts enact policy and rules, they act in a legislative capacity; when they perform their day-to-day business, they generally act in an administrative capacity; when they hear appeals or make decisions in disputes between students and teachers, for

example, they act in a quasi-judicial capacity. Correspondingly, individual schools act as microcosms of school districts, making school rules, administering them and enforcing them. The power to make rules and to suspend students for the breach of those rules must be exercised fairly.

In judicial review, Canadian courts will examine the nature of the right affected by a governmental decision and the potential or actual impact of the decision on the person's life. This helps the court decide what standard of review will apply and what specific procedures will meet that standard in each fact situation. The more serious the matter, the stricter are the procedural requirements. Educational authorities must comply strictly with the procedural requirements in the legislation and policy in their jurisdictions and at a minimum, procedural fairness at common law requires:

1. timely and sufficient notice of charges or accusations;
2. an opportunity to be heard; and
3. an unbiased decision-maker.

Procedural Fairness Applied

The following examples illustrate how fairness standards may be applied in the school context:

STUDENT A

Penalty for Misconduct:

Suspension for one day

Standard of Fairness:

Low

Procedural Fairness:

Students must know or be deemed to know the school rule. They must know or be deemed to

know the consequences of breaching the rule. They must be told why they are being suspended and be given an opportunity to explain the situation to the principal. The principal must attempt to hear the students without prejudging them and must make the decision as objectively as possible based on the facts at hand.

STUDENT B

Penalty for Misconduct:

Suspension for one month assuming no final exams and that the principal made the initial suspension following the above procedures.

Standard of Fairness:

Moderate

Procedural Fairness:

The students must be given prompt notice in writing providing sufficient information to allow them to know the case against them. They must be given an opportunity to be heard by someone other than the principal (e.g., the appeal committee). They must be able to be represented or to make representations in person

with an adult of their choice present. The appeal committee should act as a neutral adjudicator between the principal and the students. The students must be given written decisions with reasons.

STUDENT C

Penalty for Misconduct:

Suspension for a whole year

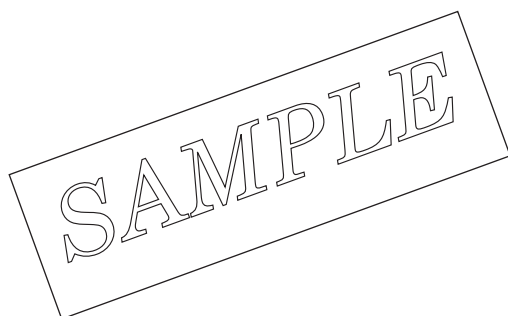
Standard of Fairness:

Very High

Procedural Fairness:

Students must be accorded all of the procedural safeguards for *Student B* and as well, they should have the right to be represented by counsel, to call witnesses and to rebut evidence against them. The hearing should be timely, yet allow sufficient time for the students and their counsel to prepare for the hearing. There may be a right to further appeal or review by a third decision-making body. The right to cross-examine may be reserved for more formal court proceedings.

Note: All student appeals are governed by policy as outlined in Appendix E.



Appendix B

Text of a School's Guidelines on Student Discipline and Behavior

1.0 Mission/Purpose

Norton Elementary School is a professional learning community that promotes responsibility, respect, and academic excellence in a safe learning and working environment.

All students, parents¹ and staff² have a right to be, and to feel safe in their school community. With this right, comes the responsibility of all to be accountable for actions, particularly ones that put at risk the safety of oneself or others.

Along with School District 6, Norton Elementary's Code of Conduct sets clear standards and expectations for behavior, and promotes academic and behavioral success for all students in which learning and safety are central. The focus is on the development of the safety of all individuals within the school system, and to take appropriate action whenever that safety is threatened or compromised.

2.0 Application

The behavior standards defined in this policy, the Department of Education Policy 703 and in

the School Positive Learning Environment Plan apply to all participants in the public school system. It applies to activities on school property, on school busses and on other school system-organized transportation, at school-sponsored events, whenever the school is responsible for a student, whenever an individual is acting on behalf of or is representing the school and in all communications related to school events (e.g. meetings, phone calls and written correspondence between parents and staff, electronic communication, contacts with the public when fund-raising, out-of-school interactions based on in-school relationships).

3.0 Guiding Principles

A positive learning and working environment is one in which:

- everyone in the school community is treated with respect and dignity;
- policies, expectations, and practices are clearly communicated to everyone;
- parents, staff and the community understand that social skills, self-discipline, compassion and ethics continue to be learned throughout life. Each of these partners³ plays a role in teaching appropriate behaviors through instruction and by example;
- students are responsible for their behavior in accordance with their stage of development and to the extent to which their behavior is voluntary. When disruptive behavior is due to exceptional characteristics of a student and he/she is unable to control this behavior, solutions must take the needs of the student and the student's classmates into account;
- students are educated about the expectations of the school learning community;
- students are taught the skills, attitudes and values essential for success and are consistently required to demonstrate expected behaviors; and
- emphasis must be placed on techniques and strategies that promote prevention and productive intervention.

¹Parents includes guardians.

²Staff includes educators, support staff, bus drivers, outside professionals and volunteers.

³Partners includes parents, staff, community and other government agencies.

4.0 Roles & Responsibilities

The development, implementation and enforcement of the Norton Elementary Code of Conduct is a cooperative effort among students, parents, teachers and staff, administrators, District Office staff and the District Education Council (DEC). The roles and responsibilities of each member of the school community are critical to this process.

A. District Education Council/District Office

The District Education Council, Superintendent, and District Office staff will offer support and guidance to all schools in order to promote positive learning and working environments in schools throughout the district by:

- developing policies and directives that guide the schools in the implementation and enforcement of the Norton Elementary School Code of Conduct as it relates to the District Improvement Plan;
- seeking input from teachers and parents (PSSC) and reviewing these policies regularly;
- establishing a process that clearly communicates the Norton Elementary School Code of Conduct to all parents, students and staff in a manner that ensures their commitment and support;
- preparing student conduct reports and analyzing the behavioral data for staff and DEC;
- working collaboratively with schools to provide supports to meet the goals established by the District Code of Conduct and to deal effectively with the needs and actions of students whose behaviors are persistently in violation of Norton Elementary School's Code of Conduct, despite the application of appropriate school strategies; and
- providing opportunities for all staff to acquire the knowledge, skills and attitudes necessary to develop and to maintain academic excellence and a safe learning and working environment.

B. School Administration

Principals, with the support and guidance of their Parent School Support Committee, take a

leadership role in the daily operation of a school.

The Principals and Vice-Principals provide this leadership by:

- creating professional learning communities dedicated to high academic and behavioral expectations within a safe learning and working environment;
- involving all staff and PSSCs in the development, implementation and on-going communication of the School Code of Conduct as part of the Positive Learning Environment Plan designed to teach students the behavioral skills, concepts and knowledge necessary to become respectful, responsible and self-disciplined learners;
- inputting behavior tracking data and analyzing the behavioral data with staff and PSSC;
- providing professional development opportunities and programs for staff; and
- collaborating with teachers and parents to develop effective *Positive Behavior Support Plans* for students exhibiting significant behavioral difficulties.

C. Teachers & Staff

Teachers and school staff, with the leadership and support of their administrative team, are expected to work in a professional and collegial manner in order to build a quality learning community, maintain order, maximize learning and hold everyone to the highest standard of respectful, responsible behavior.

Staffs uphold these high standards when they:

- teach, model and review the School Code of Conduct with *all* students;
- consistently enforce the School Code of Conduct with all students at all times;
- teach the behavioral skills detailed in the *Positive Learning Environment Plan* and require students to consistently display these behaviors within the school environment;
- develop and teach lessons consistently employing instructional strategies and classroom routines designed to maximize student learning within a well-structured invitation-al learning environment;

- actively supervise all students to prevent incidents and ensure that student behavior meets school standards and expectations;
- help students work to their full potential, develop their self-worth and prepare students to become productive members of society;
- communicate regularly and meaningfully with parents in a way that builds the parent-teacher partnership in education; and
- collaborate with administrators and parents to develop effective *Positive Support Plans* for students experiencing significant behavioral difficulties.

D. Students

Students are expected to adhere to the School Code of Conduct and to act in a manner which protects the safety and learning of all.

To meet the behavioral standards and expectations established by the district, students must:

- come to school prepared, on time and ready to learn;
- show respect for: themselves and others; rules and authority; learning and teaching; school and personal property; and, the school and community environment;
- follow established rules, procedures, expectations and staff directions;
- demonstrate courteous, cooperative and considerate behavior;
- demonstrate honesty and integrity;
- complete assignments and produce quality work up to one's potential;
- be accountable for personal actions and the positive resolution of problems; and
- be dressed appropriately as outlined in school guidelines.

E. Parents

Parents play an important role in the education of their children and have a responsibility to support the efforts of school staff in maintaining a safe and respectful learning environment.

Parents fulfill this responsibility when they:

- show an active interest in their child's school work progress;

- communicate regularly with the school and share pertinent information which impacts their child's education such as illness, travel, extended absences, medical conditions, family situations, etc;
- contact the teacher if there are questions or concerns about classroom procedures(s), curriculum, or any incident involving their child;
- ensure that their child attends school regularly and on time; notifying the school of their child's absence or late arrival;
- understand and support the School Code of Conduct;
- encourage and assist their child in following the rules of behavior; and
- collaborate with teachers and administrators in dealing with disciplinary issues to develop effective *Positive Support Plans* if their child is experiencing significant behavioral difficulties.

F. Community Partners

Schools work cooperatively with many community agencies, organizations and individuals in an effort to ensure student success. It is essential that all community partners actively support and respect the goals, expectations, rules and procedures of the local schools.

5.0 Behavioral Standards & Expectations

A. Within the school learning community, all staff, students, parents and other partners are required to:

- treat one another with dignity and respect at all times;
- respect the rights of others and treat others fairly;
- show respect for school property and the property of others;
- take appropriate measures to help those in need;
- respect persons who are in a position of authority;
- respect the right of others to work in a safe environment dedicated to learning and teaching.
- comply with all applicable school rules and laws;

- demonstrate honesty and integrity; and
- respect differences in people, their ideas and opinions.

B. The following behaviors exhibited by any person, as outlined in Department of Education Policy 703, will not be tolerated in the New Brunswick public school system. This means intervention, as agreed upon in the school Positive Learning Environment Plan, is consistently required when these behaviors occur:

- harassment, intimidation and violence;
- discrimination based on gender, race, colour, national or ethnic origin, religion, culture, language group, sexual orientation, disability, age or grade level;
- dissemination of hate propaganda including hate literature;
- theft or intentional property damage;
- any behavior which threatens the health or safety of any person (e.g. arson, bomb threats and tampering with safety equipment such as fire alarms);
- accusations involving falsehood or malicious intent; and
- creating or attempting to create a disturbance, using threatening or abusive language and speaking or acting in such a way as to impair the maintenance of order and discipline on school property. This is contrary to the Education Act and is an offence punishable under the Provincial Offence Procedure Act. Any person behaving in such a way can be removed from school grounds by staff members or those instructed to act on their behalf.

C. The following behaviors are viewed as extreme and unacceptable in the New Brunswick public school system. In accordance with Policy 703, they may result in immediate suspension without the normal sequence of interventions. They may also require police involvement.

- **possession/use/selling of weapons** (a weapon is any object used, designed to be used, or intended to be used to cause injury or death, or to threaten or intimidate a person. Discipline decisions will take into account the inherent or perceived danger of

the object involved.)

- **possession/use/selling of illegal or dangerous substances or objects** (Examples include the use of illegal drugs and alcohol, possession of drug paraphernalia and possession of explosives.)
- **physical violence** (The use of force or inciting others to use force to cause physical injury.)
- **criminal harassment** (Causing a person to fear for their safety or the safety of a person known to them by: (a) repeatedly following from place to place, (b) repeatedly communicating directly or indirectly (e.g. by leaving notes or other indications of having been present, calling on the phone), (c) stalking or (d) engaging in threatening behavior.)
- **uttering threats** (Communicating intent to: cause bodily harm or death, destroy or damage property or to kill or injure an animal.)
- **any other behavior which contravenes the Criminal Code of Canada.**

6.0 Disciplinary Action

Norton Elementary School, in compliance with District 6, has developed its own Code of Conduct consistent with the District 6 Code of Conduct. In addition, Norton Elementary has developed a Positive Learning Environment Plan which outlines how students will learn the behaviors, skills and attitudes required to meet established behavioral expectations. A Pyramid of Interventions (Fig. 1) has been developed for Norton Elementary School's Code of Conduct. Norton Elementary has developed its own Pyramid of Interventions consistent with our own Code of Conduct and Positive Learning Environment Plan. Not all of the strategies have been outlined on the Pyramid. See Appendix B for insert parents receive in their child's agenda each school year. This outlines basic school operation and our Positive Learning Environment Plan.

One of the goals of Norton Elementary School's Code of Conduct is to help students learn appropriate, self-regulatory, productive behavior which enables them, increasingly, to meet their needs and to be successful in school.

In dealing with student behavior, Norton Elementary recommends that administrators, teachers and staff utilize four main types of strategies — prevention, instruction, correction and protection. Following is an overview of these strategies:

A. Prevention

The prevention of behavioral incidents is paramount. Recommended strategies can be whole school or for individual students.

Whole school examples include, but are not limited to:

- communicating and reviewing Code of Conduct expectations with staff and students;
- proactive programs and services offered by guidance and school intervention workers;
- modeling appropriate behaviors;
- establishing and practicing routines;
- actively supervising hallways, bus loading/unloading, cafeteria and playgrounds;
- on-going parental communication.

Individual student examples include, but are not limited to:

- modified timetables, schedules, breaks and recesses;
- changes in routines;
- removal of a student from a situation due to a lack of readiness to behave appropriately.

B. Instruction

As an educational institution, Norton Elementary School recognizes that students must be taught how to behave in accordance with school expectations. In this regard, it is recommended that school staff:

- continually teach, model and reinforce appropriate behavior;
- teach behavioral and social skills necessary for school success;
- provide leadership and other learning opportunities to all students;
- provide guidance and counselling;
- teach students how to seek staff assistance, if necessary, in order to resolve conflict peacefully.

C. Correction

Reflecting the educational focus of the school system, inappropriate student behavior should be corrected whenever possible in such a way that the student improves their future performance. Recommended techniques include::

- review and practice appropriate behavior;
- provide tutorials on appropriate student conduct;
- assign special learning projects designed to improve student knowledge and performance related to school behavior;
- have students make up lost time and work missed due to unnecessary absence or tardiness;
- employ and analyze behavior tracking data to develop positive interventions;
- restitution
- reconciliation,
- resolution (solve it and/or “make it right”)
- have the student write a plan for appropriate future action;
- community service within the school.

D. Protection

As noted in this Code’s Guiding Principles, Norton Elementary has an obligation to protect the learning and safety of all students. Recommended strategies include:

- modified timetables and schedules;
- restricted privileges;
- alternative work locations in the classroom or school;
- removal from class or school activity;
- detentions;
- in-school suspension;
- out-of-school suspension;
- modified/reduced school day;
- Out-of-School — Tutor Support Program
- Alternative Education sites; and
- Distance Education.

Sometimes, despite the best efforts of the school staff and parents to develop a *Positive Behavior Support Plan* and implement many interventions, a student’s behavior does not improve. As a result the student may be placed on a long term out-of-school program.

E. Serious Misconduct

Section 5 (B & C) of this code outlines the

behaviors which are viewed as extreme and unacceptable in the New Brunswick public school system. Serious incidents could result in immediate suspension and loss of school privileges.

In these situations, the Education Act states that the school and the School District are obligated to provide students with an education. The school administrator and the Student Services Learning Specialist work with the parents to develop an Alternative Education Plan. Planning for a return to school, developing a transition plan and holding a re-entry meeting, are all important parts of the process.

F. Assessment

Another important aspect of creating and maintaining an environment where students, staff, parents and others feel safe is in the area of assessing potentially high risk student behavior: understanding the impact of trauma on

schools and communities and understanding individual student behaviors within these systems. Both are essential to know in order to deal with the dramatic increase in student threat behavior.

School principals, counsellors, district staff, police, social workers, probation and mental health workers have been trained in Threat Assessment: Assessing Violence Potential and Protocols for Dealing with High-Risk Student Behaviors. The primary purpose of the multi-disciplinary Threat Assessment Team protocol is to identify indicators that a student is moving towards violence against self or others and to intervene to decrease the risk, prevent injury, and support the student in receiving the help he or she needs to address the issues contributing to the high-risk behavior. Collaboration between disciplines is essential to access and to intervene on behalf of students, schools and communities.

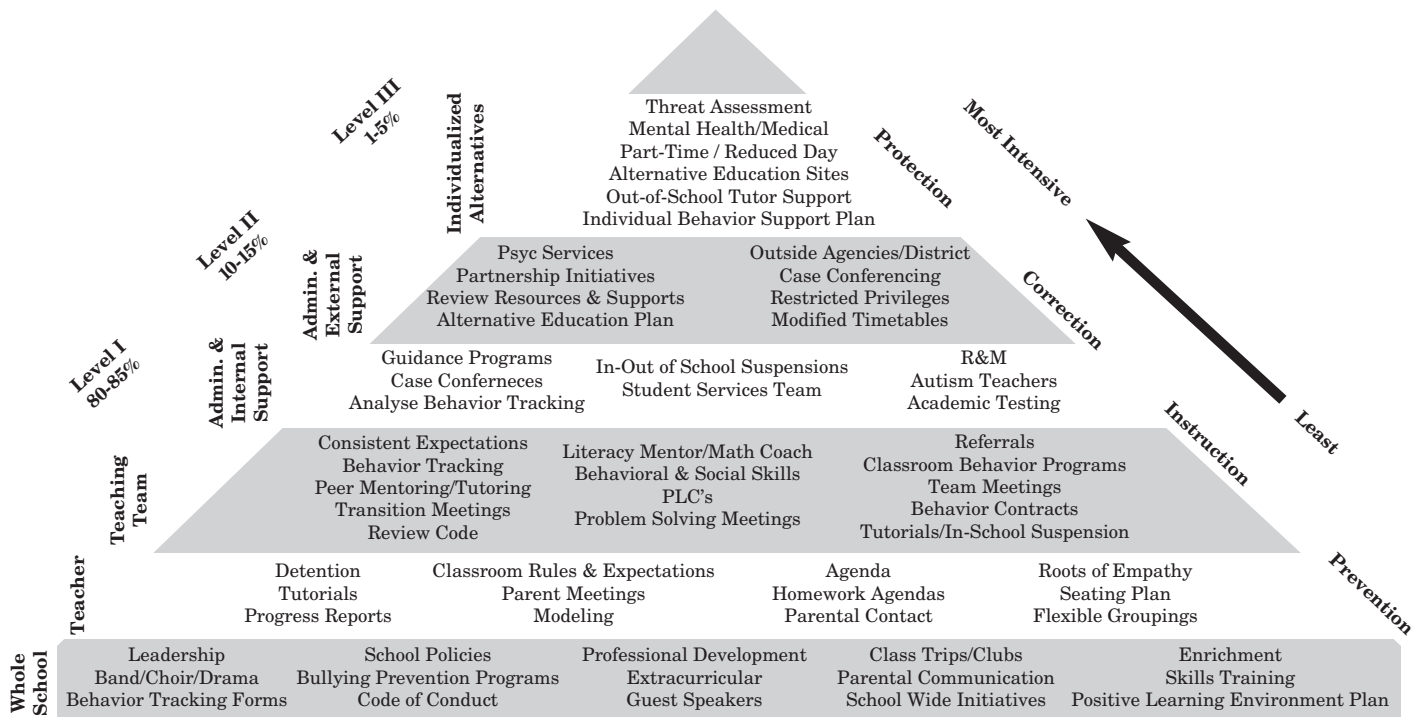


Fig. 1: Behavioral Pyramid of Interventions
Pre-K Assessments and Interventions

Appendix C



BEHAVIOUR TRACKING FORM

Date _____

Name of Student _____

Gender: Male ☐ Female ☐

School Code ☐ ☐ ☐ ☐ Grade K 1 2 3 4 5 6 7 8 9 10 11 12 FI yes ☐ no ☐

Time of Incident: am1 ☐ am 2 ☐ pm ☐ SEP yes ☐ no ☐

Location

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> Classroom | <input type="checkbox"/> Gym |
| <input type="checkbox"/> Playground | <input type="checkbox"/> Library |
| <input type="checkbox"/> Hallway | <input type="checkbox"/> Bus |
| <input type="checkbox"/> Cafeteria | <input type="checkbox"/> Bus Loading Zone |
| <input type="checkbox"/> Washroom | <input type="checkbox"/> Assembly |
| <input type="checkbox"/> Field Trip | <input type="checkbox"/> Other ... |

Problem Behaviours:

- | | | |
|---|---|---|
| <input type="checkbox"/> Abusive/Inappropriate language | <input type="checkbox"/> Fighting | <input type="checkbox"/> Skip class/truancy |
| <input type="checkbox"/> Physical aggression | <input type="checkbox"/> Property damage | <input type="checkbox"/> Tardy |
| <input type="checkbox"/> Disrespect | <input type="checkbox"/> Forgery/lying | <input type="checkbox"/> Vandalism |
| <input type="checkbox"/> Non-compliance | <input type="checkbox"/> Malicious accusations | <input type="checkbox"/> Inappropriate sexual act |
| <input type="checkbox"/> Harassment | <input type="checkbox"/> Teasing | <input type="checkbox"/> Bomb threat |
| <input type="checkbox"/> Verbal threat to student(s) | <input type="checkbox"/> Bullying | <input type="checkbox"/> Hate propaganda |
| <input type="checkbox"/> Verbal threat to teacher(s)/other adults | <input type="checkbox"/> Tobacco | <input type="checkbox"/> Arson |
| <input type="checkbox"/> Disruption to learning process | <input type="checkbox"/> Alcohol | <input type="checkbox"/> Weapons |
| <input type="checkbox"/> Disorderly conduct - ie, spitting | <input type="checkbox"/> Threat to the safety of others | <input type="checkbox"/> Other |

Behaviour was:

- | | | |
|---|--|---|
| <input type="checkbox"/> Race-related | <input type="checkbox"/> Gender-related | <input type="checkbox"/> Religion-related |
| <input type="checkbox"/> Sexual-orientation related | <input type="checkbox"/> Colour/ethnic-related | <input type="checkbox"/> Disability-related |
| <input type="checkbox"/> Gang-related | <input type="checkbox"/> None of these | <input type="checkbox"/> Other |

Who was affected:

- ☐ Peers ☐ Staff — ☐ administration ☐ teacher ☐ TA ☐ Substitute
- ☐ Other _____

Consequence

- | | | |
|--|--|--|
| <input type="checkbox"/> Time out | <input type="checkbox"/> Student conference | <input type="checkbox"/> w/principal |
| <input type="checkbox"/> Loss of privilege | | <input type="checkbox"/> w/teacher |
| | | <input type="checkbox"/> w/school team |
| | | <input type="checkbox"/> w/parent |
| <input type="checkbox"/> Detention | <input type="checkbox"/> Parent contact | |
| <input type="checkbox"/> Behaviour contract | <input type="checkbox"/> by phone <input type="checkbox"/> by letter | |
| <input type="checkbox"/> Student consult w/guidance | <input type="checkbox"/> by meeting | |
| <input type="checkbox"/> School psychologist | <input type="checkbox"/> Out of school suspension | |
| <input type="checkbox"/> In-school suspension | <input type="checkbox"/> - 5 days or less | |
| <input type="checkbox"/> Mental health clinic referral | <input type="checkbox"/> - 6 days or more | |
| <input type="checkbox"/> Police referral | <input type="checkbox"/> Other | |
| <input type="checkbox"/> Alternative setting | | |

Completed by: _____

Draft - January 2002/JM
With thanks to Dr. G. Sugai, author of the School-wide Behavior System (SWIS)

Appendix D

TRESPASS ACT OF NEW BRUNSWICK

Trespassing Notice

TO: _____

TAKE NOTICE that you are at all times henceforth to refrain from remaining on or entering upon the premises known as _____ located at
_____ school name
_____, New Brunswick, which premises include
_____ school address
the parking and entrance areas used in connection therewith. This notice is given by an agent of the Premises, _____ under the Provisions of the New Brunswick Trespass Act.
_____ school name

DATED THIS _____ day of _____

PER: _____

Appendix E

Pupil Appeals

- I SCHOOL APPEALS (S. 40 OF REGULATION 97-150 - *EDUCATION ACT*)
- II DISTRICT APPEALS (S. 41, 42, 43 REGULATION 97-150 - *EDUCATION ACT*)

I SCHOOL APPEALS

Scope

An independent pupil or parent/guardian may appeal:

- (a) the suspension from school of a pupil subject to paragraph 24(4) of the *Education Act*; or
 - (b) the suspension of a pupil's conveyance privileges under section 6 of the Pupil Transportation Regulation - *Education Act*;
- to a school appeals committee by giving notice of appeal, in writing, to the principal of the school within ten teaching days after being notified of the suspension.

Process (Section 40 - Regulation 97-150)

1. The principal or the Director of Education must inform the parent or guardian of the suspension, the reasons for such, the right to appeal, and the time limit for the appeal.
2. The principal shall convene, as soon as practicable, a school appeals committee comprised of three persons appointed by the superintendent of which
 - (a) one shall be a principal, vice-principal, guidance counsellor, district learning specialist, or other teacher;
 - (b) at least one shall be a parent of a pupil enrolled in the school, appointed from a list provided by the PSSC;
 - (c) one member shall be a person selected at the discretion of the superintendent
3. No person who participated in making the decision being appealed shall be a member of the school appeals committee.
4. The school appeals committee shall hold a hearing, as soon as practicable, to consider the appeal and it is the responsibility of the principal

to set the time and place of the hearing and to notify the parties at least twenty-four hours before the date of the hearing.

5. The person making the appeal and the person who made the decision have a right to:
 - (a) attend the hearing;
 - (b) be accompanied by a person in either an advocacy or support capacity;
 - (c) submit relevant information and question witnesses.

6. Prior to the hearing, each party shall ensure that all relevant information and documents are provided to the committee and each other.

7. The school appeals committee may uphold, vary or revoke the suspension in a written decision, with reason, forwarded to the parties within five teaching days of the hearing.

8. Either party may appeal the decision to the district appeals committee by giving written notice within five teaching days of receipt of the notice.

II DISTRICT APPEALS

Scope

An independent pupil or parent/guardian may appeal:

- (a) school placement (sections 11 or 12 - *Education Act*)
- (b) suspension of a pupil (section 24(2) - *Education Act*)
- (c) denial of access to pupil records (section 54 - *Education Act*)
- (d) decision of a school appeals committee to the superintendent, in writing, within ten days after being notified of the decision, the suspension or denial.

Process

1. The principal or the Director of Education must inform the parent or guardian of the suspension, the reasons for such, the right to appeal, and the time limit for the appeal. If there is a conflict that concerns school placement, including classes, grades, programs, ser-

vices, and schools, the principal or Director of Education must inform the parent or guardian of his or her right to appeal such and the processes and procedures to follow.

2. On receipt of notice of appeal, the superintendent shall, subject to policies of the District Education Council (DEC), direct the appeal be heard by a school committee or refer the matter as soon as practicable to the DEC.

3. When a matter is referred to the District Education Council, the DEC shall convene an appeals committee as soon as practicable.

4. The committee shall be comprised of

- (a) the District Education Council;
- (b) a committee of three or more members of the DEC;
- (c) a three-member district appeals committee appointed by the DEC and consisting of:
 - (i) a superintendent, Director of Education, learning specialist or other teacher,
 - (ii) a parent of a student enrolled in a district school, and
 - (iii) a member of the District Education Council.

5. The district appeals committee shall:

- (a) hold a hearing as soon as practicable;
- (b) inform all parties of the place and time of the hearing at least twenty-four hours before the hearing.
- (c) uphold, revoke or vary the original decision and inform the parties, in writing, of the decision within five days of the hearing.

6. A decision of the majority is a decision of the committee and is final.

GENERAL CONSIDERATIONS

- The appeal process must be accessible, straightforward, and fair.
- The time limits established under the *Education Act* must be strictly followed.
- Where no time limit is stated in the *Education Act*, appeal steps must be completed as quickly as reasonably possible.

- The parties - the student, parent(s)/guardian(s), educators - should be promptly notified of each step and be provided with the information necessary to respond fully.
- A person who is a decision-maker at one level of the appeal process cannot act as a decision-maker at another level, except when the District Education Council itself suspends a student.
- Each school district shall have one district appeals committee, and the district appeals committee shall comprise one, three or five persons. Each district appeals committee member must be present throughout an appeal hearing and participate fully in the appeal hearing and decision.
- Under the *Education Act*, only a school principal or the District Education Council may suspend a student for disciplinary reasons.
- Only students nineteen years or older, or younger students who live independently from their parent(s)/guardian(s) may appeal on their own behalf; otherwise a parent or guardian must make the appeal.

Ombudsman Office/Judicial Review

• *Ombudsman Office*

A person who believes that the appeal system is unfair may contact the NB Ombudsman Office (Tel: 1-800-561-4021).

Note: The Ombudsman Office normally intervenes only after all appeal steps have been followed.

• *Judicial Review*

If you are dissatisfied with the appeal decision made by a District Education Council, you may make an application for judicial review to The Court of Queen's Bench of New Brunswick. A person seeking a judicial review in the courts will normally require the assistance of a lawyer to complete this step.

Note: An Appeal Checklist appears on the following page.

APPEAL CHECKLIST

• Pre-hearing Checklist

___ Contact the school/District Education Council to obtain copies of document(s) prepared about your case; gather any other documents that may assist your case (prepare a list of documents if necessary)

___ Contact your District Education Council to obtain a copy of the relevant sections of the *Education Act* and its policy relating to the appeal issue

___ Refer to the document “A User’s Guide for the Appeal Process” available on the Department of Education web site.

___ Contact a lawyer or other responsible person to

- a) provide advice only, or
- b) provide advice and accompany you to your hearing

___ Speak to persons who may be able to assist your case and find out whether they will

- a) be a witness at the appeal hearing, or
- b) provide a written statement, or
- c) both

(Note: Anyone may refuse to be a witness)

___ Prepare a written summary of the facts and issues related to your appeal, the decision you believe the District Appeals Committee should make, and the reasons why the desired outcome should be made

___ Ensure that you, your lawyer/representatives and witnesses know the time and location of the hearing

• Hearing Checklist

___ Arrive at least one-half hour early for your hearing

___ Meet with your lawyer or other representative prior to hearing

___ Meet with your witnesses prior to your hearing

___ Review documents prior to your hearing

___ Make your opening statements clearly and concisely. In point form, explain your reason(s) for appealing or responding. If you are presenting witnesses or documents, explain clearly how this evidence will help your case

___ Present your documents and witnesses in an order that supports the sequence of your arguments

___ Be polite and clear when speaking to the Chair and when questioning the other party or her/his witness(es)

___ Summarize the points presented in your opening statement and in your evidence (witnesses and documents).

Appendix F

Positive Learning and Working Environment (Policy 703)

1.0 PURPOSE

This policy provides a framework for the Department of Education, school districts and schools to create positive learning and working environments in the public education system by:

- proposing a vision which is shared by all partners in education;
- establishing a process for fostering positive learning and working environments;
- identifying best practices for discipline when a positive environment alone is not enough; and
- setting limits for behaviour and identifying the responsibilities of all partners in the school system.

2.0 APPLICATION

The behaviour standards defined in this policy and in the School Positive Learning and Working Environment Plan apply to all participants in the public school system, on school property, on school buses and other school system-organized transportation, at school-sponsored events, whenever the school is responsible for a student, whenever an individual is acting on behalf of or is representing the school, and in all communications related to school (e.g. meetings, both formal and informal; phone calls and written correspondence, including, emails between students and school personnel or parents and visitors and school personnel; and other instances that could have an impact on the school climate).

Additional standards for the behaviour of adults who have contact with students in the New Brunswick public school system are defined in Policy 701 – Policy for the Protection of Pupils.

3.0 DEFINITIONS

Parent(s) – includes guardian(s), as per the Education Act.

School Personnel refers to the superintendent, director of education, principal and other administrative and supervisory personnel; school bus drivers; building maintenance personnel including custodians; secretaries and clerks; teachers; persons other than teachers engaged to assist in the delivery of programs and services to students; and other persons engaged in support areas such as social services, health services, psychology and guidance.

Student(s) refers to pupil(s), as defined in the Education Act.

4.0 LEGAL AUTHORITY

Education Act

6 (b.2) The Minister may establish provincial policies and guidelines related to public education within the scope of this Act, ...

5.0 GOALS / PRINCIPLES

- 5.1 Good citizenship and civility are modeled and reinforced throughout the school community. Every person is valued and treated with respect.
- 5.2 School personnel and students in the public school system have the right to work and to learn in a safe, orderly, productive, respectful and harassment-free environment.
- 5.3 Inclusive educational practices are supported and promoted. Students are responsible for their behaviour in accordance with their age and stage of development and to the extent to which their behaviour is voluntary. When disruptive behaviour is attributable to the student's exceptionality and he or she is unable to control this behaviour, appropriate interventions will be employed with the needs of the student in mind.
- 5.4 Students have a sense of belonging and connection, feel they are supported by school personnel, and have a positive relationship with at least one adult in the school system.
- 5.5 Parents, school personnel, district staff and the school community understand that social skills, self-discipline, empathy,

compassion and ethics are learned throughout life. Each partner in education plays a role in transmitting these values through instruction and by example.

6.0 REQUIREMENTS / STANDARDS

PART 1: FOSTERING A POSITIVE LEARNING AND WORKING ENVIRONMENT

6.1 The District Positive Learning and Working Environment Plan

6.1.1 Superintendents will ensure the development of an overall plan of assistance for fostering positive learning and working environments in their districts in consultation with their District Education Councils.

6.1.2 The District Positive Learning and Working Environment Plan will include strategies for managing inappropriate behaviour by students as well as by parents or visitors when interacting with the school and school personnel, consistent with the Education Act and this policy.

6.2. The School Positive Learning and Working Environment Plan

6.2.1 The principal of the school must prepare the school's positive learning and working environment plan. The principal must report annually to the Superintendent on the plan and related strategies implemented by the school in order to create a positive learning and working environment. This information will be made available to the Minister of Education, upon request.

6.2.2 The School District Director of Education will approve each school's plan prior to implementation and every three years thereafter. Principals hold overall responsibility for their school's effectiveness in developing and implementing the plan.

6.2.3 The school's plan will be reviewed with the PSSC prior to implementation and whenever it is revised.

6.2.4 The school's plan will reflect the school community's vision for the learning and working environment it wishes to achieve. It will include the following elements:

- expectations, roles and responsibilities for staff, students, parents and volunteers;
- a School Code of Conduct that is not inconsistent with the Provincial Student Code of Conduct (Appendix D) and the standards established in this policy. The School Student Code of Conduct will be revised, as necessary, at the same time as the school's plan;
- a continuum of interventions, supports and consequences to be employed when inappropriate behaviour is exhibited by anyone in the school environment;
- direction for managing behaviours that are more minor in nature but are disruptive because of their frequency. For example, defiance, disrespectful language and gestures or missing school or arriving late. For some students, additional individual interventions will be required. When disruptive behaviour is substantial and persistent, a formal plan of intervention must be put in place; and
- strategies aimed at preventing and resolving misunderstandings or disagreements between school personnel and parents or visitors to the school.

6.2.5 The Department of Education and school districts will provide support to the school's plan through a variety of means, including provision of resource materials and development of provincial and district protocols, where necessary.

PART 2: INAPPROPRIATE BEHAVIOURS AND MISCONDUCT¹

¹ These lists are not exhaustive. It is left to the discretion of the school or school district officials to determine whether a certain action or behaviour will be considered serious misconduct or behaviour not tolerated in the school system.

6.3 Serious Misconduct

6.3.1 The following are examples of behaviours exhibited by any person that are viewed as extreme and unacceptable in the New Brunswick public school system:

- bullying, hazing or any form of intimidation;
- cyber bullying - including, but not limited to, posting inappropriate material online, sending harassing, deliberate or repeated emails and posting items online without permission of those involved;
- possession, use or provision of weapons - a weapon can be any object used, or intended to be used, to cause injury or death, or to threaten or intimidate a person. Discipline decisions will take into account the inherent or perceived danger of the object involved;
- possession, use or selling of illegal or dangerous substances or objects - examples include the use of illegal drugs, tobacco and alcohol, possession of drug paraphernalia and possession of explosives;
- possession of or sharing pornographic materials (including electronic images);
- physical violence - the use of force or inciting others to use force to cause physical injury;
- sexual assault, harassment, abuse and misconduct;
- dissemination of any hate propaganda material, including hate literature;
- harassment - causing a person to fear for their safety or the safety of a person known to them by repeatedly following them from place to place or repeatedly communicating directly or indirectly (e.g. by leaving notes, making or sending persistent or harassing telephone calls or e-mails, etc.);
- uttering threats - communicating the intent to hurt or damage a per-

son, an animal, place or thing;

- vandalism causing extensive damage to school property and on school property;
- theft;
- disruption to school operations - any behaviour which threatens the health or safety of any person, including school personnel (e.g. arson, bomb threats and tampering with safety equipment such as fire alarms); and
- any other behaviour that, in the opinion of school or school district officials, would reasonably be considered serious misconduct.

6.3.2 These behaviours represent a significant disruption to the learning and working environment, endanger others or significantly impair the operation of the school and the maintenance of a positive learning and working environment. These behaviours will normally result in the exclusion of a person from school property and, in the case of a student; these behaviours will result in an immediate suspension, in addition to other interventions. In most cases, due to the gravity of these behaviours, their occurrence will require the involvement of law enforcement officers.

6.4 Behaviours Not Tolerated

6.4.1 The following behaviours, exhibited by any person, will not be tolerated in the New Brunswick public school system:

- cheating, plagiarism, forging notes, signatures or excuses;
- accusations involving falsehood or malicious intent;
- discrimination on the basis of gender, race, colour, national or ethnic origin, religion, culture, language group, sexual orientation, disability, age or grade level;
- using disrespectful or inappropriate language or gestures;
- disorderly conduct;

- unjustified absenteeism and chronic tardiness;
- persistent or repetitive disruptive behaviour or chronic minor offences;
- shoving, pushing or minor physical altercations;
- loitering;
- disrespect, insubordination or defiance of authority;
- failure to comply with school rules or directions;
- intentional property damage; and
- any other behaviour that, in the opinion of school or school district officials would reasonably be considered a behaviour not tolerated.

6.4.2 These behaviours may not significantly interfere with the operation of a school but do represent a challenge to the positive learning and working environment. These behaviours may escalate into serious misconduct, reflecting the need to address these behaviours consistently and immediately. This means an intervention, as agreed upon in the School Positive Learning and Working Environment Plan, is consistently applied when these behaviours occur.

PART 3: PREVENTION OF AND INTERVENTION INTO INAPPROPRIATE BEHAVIOURS AND MISCONDUCT

6.5 Prevention

6.5.1 School administrators will ensure that the school rules and the roles and responsibilities of students, parents, teachers, school administration and other school personnel are communicated and understood by members of the school community.

6.6 Intervention in Student Misconduct

6.6.1 A student whose conduct poses an immediate threat to the safety of others or him/herself will be subject to immediate risk reducing interventions and, if removed from school property, will be permitted to return when safety can reasonably be

assured, following an assessment as per the Violent Threat and Risk Assessment Protocols or relevant procedures.

6.6.2 In the case where a student is intoxicated (by means of alcohol, drugs or other substances), parents must be notified and the student shall not be left without appropriate adult supervision until the student is released to his/her parents or other authority.

6.6.3 Some students with exceptionalities may behave in challenging ways that are beyond the student's control or understanding. For example, these behaviours could simply represent the student's attempt to communicate with others. Where this appears to be the case, such students may not be subject to the typical consequences established by the school. The student's individual education plan will provide direction and will be modified if the behaviour continues to be problematic. Certain behaviours may indicate that additional consideration of the behavioural supports provided to the student is required. Inappropriate behaviour exhibited by students with exceptionalities, which is clearly not related to the exceptionality, is subject to the routine interventions or consequences.

6.6.4 When it has been determined at a case conference and approved by the Superintendent or the Director of Education, that all available interventions (including positive behavioural supports and other accommodations) have been exhausted and that the behaviour-related needs of a student cannot be met in a classroom setting, alternative educational arrangements will be made. Such a case conference will involve: the student, if appropriate, parents, relevant staff and other professionals involved with the provision of service to the student. The goal of any alter-

nate placement will ultimately be to return the student to the classroom as soon as practicable.

6.6.5 Discipline will be corrective, aimed at helping students learn appropriate, self-regulatory, productive behaviours in support of the maintenance of a positive learning and working environment.

6.6.6 Superintendents will ensure school personnel are provided with adequate training, as appropriate for their responsibilities, to recognize signs that a student is in difficulty. Early identification increases the likelihood of appropriate intervention or referral. Care must be taken, however, not to stereotype students.

6.6.7 School personnel will make parents aware of problems involving their child and will be encouraged to take part in the development of an intervention plan, as appropriate. Parents are responsible for supporting the agreed upon plan of intervention. When parental support is not given, parents must be informed of the constraints this places on the education system in providing service to the child and the consequences for their child's progress and development. In extreme cases, where parental support is not forthcoming, the superintendent can make a referral to the Department of Social Development. An investigation may follow, as per section 31(2) of the Family Services Act.

6.7 Recording and Sharing Student Conduct Information

6.7.1 The primary purpose of maintaining student records is to provide support for the learning of the individual student. Decisions regarding the documentation and sharing of student conduct information must be made in this context.

6.7.2 Teachers and other staff, such as bus drivers, must keep an accurate, written record of notable incidents of misconduct. The manner in which incidents are handled, subsequent interventions and progress must also be recorded, if known. Staff must keep school administrators informed concerning specific and general discipline issues.

6.7.3 Records documenting student conduct must be kept as per record retention schedules and related processes.

6.7.4 Relevant information concerning support received by a student shall be provided to any person who works with the student to the extent it is required for effective delivery of this assistance.

6.7.5 If it is assessed that a student poses potential risk to him/herself, to others or to school property, the nature of this risk shall be communicated as soon as possible, on a need-to-know basis to those who work with the student, including bus drivers and to the administration of any school to which the student may transfer.

6.8 Prevention of and Intervention into Misconduct by a Parent or Visitor

6.8.1 The conduct of parents or other visitors that disrupts the learning and working environment is unacceptable and will be acted upon as per the direction in the School's plan and this policy.

6.8.2 When misconduct occurs involving a parent or visitor, the informal dispute resolution measures described in Appendix C must be employed. Every reasonable effort shall be made to resolve the issue between the immediate parties directly and as quickly as possible.

6.8.3 When misconduct is repetitive, harassing or chronic, contravenes this policy or becomes substantial and persistent, and informal dispute resolution has proven unsuccessful,

the formal reporting procedures provided in Appendix C should be followed (only after all other options have been exhausted). Principals must ensure appropriate follow-up.

6.8.4 When a parent or a visitor whose misconduct poses an immediate threat to the positive learning and working environment, school personnel, the principal or a designate will inform the individual that the conduct is inappropriate and ask the person to stop. If necessary, school personnel can exclude the person from school property.

6.8.5 A notice under the Trespass Act can also be issued by school administrators should the situation warrant the individual's removal from school grounds for an extended period of time. See Appendix C.

6.8.6 Harassment involving personnel in the workplace as defined in the New Brunswick Administration Manual Policy AD-2913 – Workplace Harassment shall be reported in accordance with that policy.

7.0 GUIDELINES / RECOMMENDATIONS

- 7.1 The PSSC may support efforts to communicate the school rules and the roles and responsibilities of students, parents, teachers, school administration and other school personnel.
- 7.2 Additional topics that could be included in the School Positive Learning and Working Environment Plan are included in Appendix A.
- 7.3 Examples and best practices related to positive discipline are included in Appendix B.
- 7.4 Additional standards for the behaviour of students are included in the Provincial Student Code of Conduct (Appendix D).

8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

A District Education Council may develop policies and procedures that are consistent with, or

more comprehensive than, this provincial policy.

9.0 REFERENCES

New Brunswick Administration Manual Policy AD-2913 – Workplace Harassment
Criminal Code of Canada
Child Victims of Abuse and Neglect Protocols
(Government of New Brunswick)
Trespass Act – sections 2(1) and 2(2)

Related Department of Education policies:
Policy 311 - Information and Communication Technologies (ICT) Use
Policy 701 – Policy for the Protection of Pupils

Related Education Act sections:

- 13(1) In support of the learning success of his or her child and the learning environment at the school, a parent is expected to
 - [...]
 - (b) communicate reasonably with school personnel employed at the school his or her child attends as required in the best interests of the child,
 - [...]
 - (e) have due care for the conduct of his or her child at school and while on the way to and from school.
- 13(2) The parent of a pupil has a right to reasonable consultation with the pupil's teacher or the principal of the school the pupil attends
- 13(3) It is the responsibility of the parent of a pupil and of school personnel to conduct themselves in a respectful manner and to follow established procedures when involved in communications concerning the pupil.
- 14(1) It is the duty of a pupil to
 - [...]
 - (e) contribute to a safe and positive learning environment, (f) be responsible for his or her conduct at school and while on the way to and from school, (g) respect the rights of others, and (h) comply

with all school policies.

21(2) Subject to any policies or directives of the District Education Council concerned, every teacher shall

- (a) maintain proper order and discipline in or on school property,
- (b) maintain proper order and discipline on the part of pupils under the teacher's supervision during school activities off school property, and
- (c) have due care for the conduct of pupils while on their way to and from school.

22(1) Where a person creates or attempts to create a disturbance in or on school property while being used for school purposes, a teacher may exclude that person from the school property.

22(2) Where under subsection (1) a teacher attempts to exclude a person from school property and that person refuses to immediately leave the school property that person commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category C offence.

22(3) Where a person, in or on school property,

- (a) uses threatening or abusive language, or
- (b) speaks or acts in such a way as to impair the maintenance of order and discipline in or on the school property,

that person commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category C offence.

24(4) In accordance with the regulations, the parent of a pupil or an independent pupil may, where the pupil is suspended from attendance at school under this section for more than five school days in a school year, appeal the most recent suspension from attendance at school.

10.0 CONTACTS FOR MORE INFORMATION

Department of Education – Student Services
(506) 453-2816

Department of Education – Policy and Planning Division
(506) 453-3090

POLICY 703 – APPENDIX A

SUGGESTED TOPICS FOR INCLUSION IN THE SCHOOL POSITIVE LEARNING AND WORKING ENVIRONMENT PLAN

- Strategies for recognizing appropriate behaviour, successes and accomplishments and for monitoring progress.
- Student activities which develop: self-esteem, communication skills, social skills, respect for self and others, self-control, productive behaviour, peaceful and cooperative problem solving, conflict resolution and the practice of democratic principles.
- Methods of including students in decisions affecting them, as a group or individually, and encourage team-work with school personnel and peers.
- Methods of coordinating services received by students.
- Communication plan to ensure the School Positive Learning and Working Environment Plan is understood by students, parents, volunteers, school personnel and other members of the school community and is communicated annually to all involved in the school.
- Steps for monitoring and furthering successes achieved in creating a positive learning environment.
- Strategies to help teachers, school personnel and parents teach appropriate behavior.
- Strategies to help teachers, school personnel and students to address the isolation and exclusion that may be experienced by some students as well as to foster an inclusive and welcoming school environment and culture in which all students feel that they belong.

POLICY 703 — APPENDIX B

POSITIVE DISCIPLINE FOR NEW BRUNSWICK SCHOOLS

- Discipline is intended to promote learning of self-control and to change inappropriate behaviour; expected behaviours must be taught directly and systematically.
- Every reasonable effort will be made to allow all students to continue their learning.
- School personnel have the authority and responsibility for taking appropriate action, within the scope of their prescribed duties, whenever unacceptable behaviour occurs. The focus of intervention should be on assisting students who have been victimized as well as those who need assistance to address inappropriate behaviour.
- Intervention plans put in place when students are experiencing difficulties will reflect a team approach involving parents and students to the fullest degree possible.
- Each situation will be handled according to the strengths and needs of the individual to the extent that it does not interfere with the learning environment of the remaining students in the class. It should be noted that, although rules contained in the School Positive Learning and Working Environment Plan will be consistent, strategies for helping students to understand and respect the rules will vary from student to student.
- Emphasis will be placed on activities which allow students to understand the effects of their behaviour and to make up for misconduct (i.e. “to make it right”). Improved behaviour should be recognized.
- Consequences will be appropriate for the student’s stage of development, will make sense to the student as much as possible, will be appropriately timed, will reflect the severity of misconduct and, in the case of repeat or chronic behaviour, will take previous interventions into account.
- Reinstatement of school or bus privileges after suspension will require the student demonstrate that the behavior has been corrected. This may be done in a variety of ways including the use of a verbal or written agreement or the completion of one or more tasks. In some cases, students will be returned when a plan for remediation has been put in place.

POLICY 703 — APPENDIX D

PROVINCIAL STUDENT CODE OF CONDUCT GUIDELINES

The *Provincial Student Code of Conduct* reflects the values and behaviours that will help New Brunswick schools be positive, caring and safe places to learn and work. The foundation of any Student Code of Conduct is good citizenship. In addition to the Positive Learning and Working Environment Plans developed by each school, the Code will help foster an environment where all students feel welcome, wanted and have a sense of belonging.

Application

All schools are required to have a Student Code of Conduct in place. New Brunswick’s public schools should be commended for recognizing early on the importance of establishing and implementing a Student Code of Conduct, as many schools already have one in place.

The purpose of the *Provincial Student Code of Conduct* is not to undermine the efforts of our schools but rather to:

- Emphasize the importance of having and respecting a Student Code of Conduct;
- Lend provincial support to schools in their efforts to create a safe and positive learning and working environment; and
- Serve as a guideline for schools as they develop and/or review their own Student Code of Conduct.

A Student Code of Conduct applies to all students.

This means students at school, on school buses, coming to and from school, at school-sponsored events, whenever a student is representing the school, in all communications related to school events and in all interactions among students and between students and school staff. The Code applies to student behaviour online and in electronic communications (for example, posting pictures and chat room participation) and other instances that could have an impact on the school climate.

Students play a critical role in developing their school’s Code of Conduct. They need to be part of the development process in order to facilitate the incorporation of the Code’s standards into the school envi-

ronment. This is why the *Provincial Student Code of Conduct* was developed in consultation with various student groups across New Brunswick.

In addition to having a Code in place for students, it is important that the school promote their Code of Conduct so that all students, parents and school community partners are aware of its standards.

PROVINCIAL STUDENT CODE OF CONDUCT

As a student, I am responsible for my own behaviour to the best of my abilities.

- I will be responsible for my own personal choices.
- I will respect others' differences, ideas and opinions and treat everyone fairly.
- I will not tolerate bullying of any kind and I will report bullying when I have knowledge of it.
- I will do whatever I can to help those around me who may be struggling.
- I will respect the school's rules.
- I will attend my classes, do my homework, and be prepared and on time.
- I will behave in a way that is empathetic, responsible and civil to those around me.
- I will resolve my conflicts in a constructive manner.
- I will treat school property and the property of others with respect.

I will respect myself
I will respect others.
I will respect my environment.

Implementing a Student Code of Conduct – a collective responsibility

Students are expected to be respectful and engaged in their school community. Nothing is expected of a student that is not also expected of others in the school community. Teachers and school staff, led by the principal, and members of the school community should model good behaviour and the values of the Code in school and wherever students are present (including on the school bus).

As a student,

- I will follow my school's Student Code of Conduct.
- I will encourage my friends to respect my school's Student Code of Conduct.

- I will behave in an acceptable manner when I am a guest or a visitor at other schools.

As a parent,

- I will teach my children how to behave civilly.
- I will ensure that my children come to school ready to learn.
- I will learn the school rules, including the Student Code of Conduct, and reinforce these rules with my children.
- I will collaborate with the school by supporting the standards of this code and the measures taken by the school to reinforce positive behaviour.
- I will communicate reasonably with school personnel.
- I will encourage and demonstrate appropriate behaviours within the school community.

As a teacher,

- I will teach the Student Code of Conduct.
- I will encourage responsible behaviour.
- I will model appropriate behaviour within the school community.
- I will maintain order and discipline within my classroom and encourage a positive learning and working environment.
- I will have clear and appropriate expectations, based on the Education Act and relevant policies, with regard to student behaviour.
- I will communicate these expectations to students, parents and the school community.

As a school principal,

- I will ensure that measures are taken to create and maintain a safe, positive and effective learning and working environment, consistent with the Education Act and relevant policies.
- I will communicate these measures throughout the school community.
- I will maintain order and discipline at my school and work to cultivate a positive learning and working environment.
- I will provide leadership at all times, especially when problems arise.

As a member of the school personnel,

- I will collaborate with other school staff to encourage a safe and positive learning and working environment.

ronment.

- I will encourage students to behave responsibly and appropriately.
- I will participate in the efforts of my school to implement a Student Code of Conduct.

As a member of the school community,

- I will support my local school in its efforts to create a safe and positive learning and working environment.
- I will work with my school to promote and support a safe and positive learning and working environment by becoming familiar with school rules.
- I will cooperate with the school's efforts to implement the Student Code of Conduct.

As a superintendent,

- I will support a positive learning and working environment in my school district and its individual schools.
- I will encourage all parents and members of the school community to interact positively with teachers and school personnel.
- I will encourage all partners to become familiar with school rules and the Student Code of Conduct.

As a District Education Council member,

- I will support the Positive Learning and Working Environment through the development of policy.
- I will ensure provincial and district policies are implemented effectively.

As the Minister of Education,

- I will demonstrate and encourage appropriate and responsible behaviour.
- I will provide provincial leadership for the public school system and provide oversight on all provincial policies, programs and services.
- I will encourage all students, parents, teachers, principals, and other members of the school community to act in a way that promotes the values of empathy, respect and good citizenship.
- I will support the implementation of Positive Learning and Working Environment Plans.

Student Code of Conduct – In Context

How will schools use this Student Code of Conduct?

The Provincial Student Code of Conduct enhances our continued efforts toward achieving a safe and positive learning and working environment in our schools. It complements the work undertaken by individual schools on their own Student Codes of Conduct. Normally, the Code of Conduct is part of a school's Positive Learning and Working Environment Plan, which outlines standards for appropriate behaviours expected in school and describes how the school will deal with inappropriate behaviours.

In the spirit of sharing best practices, the Provincial Student Code of Conduct has been developed based on work done at the school and district level in New Brunswick and research from other jurisdictions. If your school already has a Student Code of Conduct, you should take this opportunity to review your Code to ensure that it is consistent with the Provincial Student Code of Conduct. Schools without a student Code of Conduct should use the Provincial Code as a starting point for their own Codes.

Principals are responsible for developing their school's own student Code of Conduct with input from students and the school community. The Code should be based on the standards of behaviour outlined here and be consistent with Policy 703. It should also reflect the school's unique characteristics and local circumstances. Each school should review its Code of Conduct on a regular basis to ensure its continued relevancy and effectiveness. The review process should seek input from the school community. Finally, each school should take steps to promote and communicate its Code of Conduct to all students, parents, teachers, and members of the school community.

What can your school do to encourage appropriate behaviour?

By ensuring an atmosphere of collaboration, of support and belonging, teachers, administrators and members of the school personnel promote an environment where everyone will choose behaviours that are appropriate. Appropriate behaviours must be nurtured, encouraged and applauded. The celebration of successes reinforces the positive behaviours demonstrated by students. However, in order for the Student Code of Conduct to be well understood by students, it

must be taught and communicated. Teachers, with the leadership of the principal and the support of all the members of the school community, must promote the values of the Code, give concrete examples of the behaviours expected in school and clearly communicate the interventions and consequences to students.

What can your school do to address inappropriate behaviour?

The Provincial Student Code of Conduct, as an appendix to Policy 703, outlines the behaviours we would like to see exemplified in schools. The policy defines behaviour that is not acceptable in New Brunswick schools and sets out standards of behaviour for partners in the school community, including students, in order to create and maintain a positive environment.

Managing behaviours

Most of the time, inappropriate behaviour will be minor in nature, but, in some instances, will take place on a recurring basis. A number of these minor issues may be lessened through communication and cooperation with the student, and the student's parents, when appropriate.

When the disruptive behaviour is substantial and persistent, a review of the behaviour should take place to assist with the development of a plan of intervention. The cooperation of parents is essential in ensuring the intervention is effective. Students whose parents are involved in their school life and in resolving discipline issues are more likely to be successful at overcoming those issues.

Some students with exceptionalities may behave in challenging ways that are beyond the student's control or understanding. These behaviours could simply represent the student's attempt to communicate with others. Where this appears to be the case, such students may not be subject to the typical consequences established by the school. Referring to the student's individual education plan will provide direction. The behaviour may indicate that additional consideration of the supports provided to the student is required. However, inappropriate behaviour exhibited by students with exceptionalities, which is clearly not related to the exceptionality, is subject to the routine interventions or consequences.

Teachers and administrators are generally well trained

in responding to behavioural issues through a range of strategies used to teach positive behaviours and prevent and manage disruptive behaviours. Appropriate, pre-determined consequences and interventions must be put in place at the school level to address non-compliance. Consequences and interventions should be identified through staff, student and parent input into the Positive Learning and Working Environment Plan.

Appropriate consequences should:

- be age-appropriate;
- reflect the severity and frequency of the misbehaviour;
- contain educational value;
- be mindful of the student's age, developmental stage and any exceptionalities, and
- be logical in relation to the behaviour.

When inappropriate behaviour occurs, the consequences, interventions and re-entry plan for the student into the classroom should be determined in collaboration with the student in question, the teacher and relevant school personnel, where appropriate, in relation to the specific situation at hand.

The following are some examples of consequences or interventions:

- Verbal warning
- Behaviour contract
- Conference with student and parent/guardian
- Withdrawal of privileges
- Restitution/Restorative justice
- Reflection sheet
- Letter of apology
- Confiscation of prohibited material
- Detention/Period of reflection
- Service learning (requiring a student to spend time performing duties at school)
- Suspension in accordance with the Education Act¹
- Restriction of ICT privileges

Educators use their discretion and professional judgement when intervening to correct inappropriate behaviour.

¹ Where a student has been suspended in accordance with the Education Act, a parent may appeal this suspension. See sections 39 through 43(7) of Regulation 97-150.

DISCIPLINE AND CLASSROOM MANAGEMENT

The following disciplinary measures are unacceptable:

- corporal punishment
- ridicule/sarcasm
- misuse of collective punishment
- assignment of additional academic work (that is not expected of other students, with the specific aim of punishing the student in question)

Are there other provincial policies related to acceptable behaviour within the school community?

Policy 701 Policy for the Protection of Pupils sets out standards of behaviour for teachers and other adults in the school system, to ensure that students are protected from non-professional conduct by adults.

Policy 311 Information and Communication Technologies (ICT) Use defines standards for the appropriate use of ICT in the school system (including cyberbullying).

For a copy of these policies and others, please visit <http://www.gnb.ca/0000/policies.asp>

The *Provincial Student Code of Conduct* is supported by the Education Act and its Regulations. It has been developed with respect to the New Brunswick Human Rights Commission's Guideline on Accommodating Students with a Disability.

Appendix G

If Conflict Arises:

Reaching Resolutions when conflict occurs

A safe, pleasant, and productive learning and working environment for all

Introduction

Millions of interactions occur each year in our school system. Parents/guardians, teachers, students and others communicate with each other, cooperatively make decisions, and generally strive to improve the service to students. The information outlined in this brochure is intended to help foster a strong, positive working relationship between parents/guardians and teachers.

What are my rights and responsibilities as a

parent/guardian? *Source: NB Education Act*

(13)1 In **support** of the learning **success** of his or her child and the learning

environment at the school, a parent is expected to

- (a) **encourage** his or her child to attend to assigned homework,
- (b) **communicate reasonably** with school personnel employed at the school his or her child attends as required in the best interest of the child,
- (c) cause his or her child to **attend school** as required by this Act,
- (d) ensure the basic needs of his or her child are met, and
- (e) have due care for the conduct of his or her child at school and while on the way to and from school.

(13)2 The parent of a pupil has a **right to reasonable consultation with the pupil's teacher or the principal** of the school the pupil attends with respect to the education of the pupil.

(13)3 It is the responsibility of the **parent of a pupil** and of **school personnel** to conduct themselves in a respectful manner and to follow **established procedures** when involved in communications concerning the pupil.

How Can Parents/Guardians Assist in Fostering a Positive Learning and Working Environment?

- **Show support** for the school by volunteering or attending school functions, participation in Home and School, Parent School Support Committee (PSSC) or the District Education Council (DEC).
- **Show interest and concern** in your child's efforts and achievements.
- **Encourage** and **Expect** positive learning experiences by providing a quiet area to study, and a consistent opportunity or schedule for school responsibilities.
- **Refrain** from making negative comments (either verbally or electronically) about schools and teachers in the presence of students, or for that matter, in the presence of other adults.

If Disagreement Occurs

It is possible in any system, like education, involving hundreds of thousands of interactions daily, that some of these contacts will lead to misunderstandings or disagreements. When a misunderstanding or disagreement occurs between the school system and a parent/guardian, it is essential for the well-being of all concerned, especially the student involved, that the adults reach a resolution as quickly and reasonably as possible. Since it is possible for either party to feel offended in these disputes, both must feel comfortable that they have a process to bring the dispute to resolution. The end result must always be a supportive and positive learning environment for all in the classroom.

What is the Process to Follow to Resolve a Question, Concern or Complaint?

Source: Policy 703: Positive Learning and Working

Environment

If a conflict arises between parents/guardians and school personnel the following process should be used to resolve

the issue:

- **Talk** or meet with the person directly involved. If either party is uncomfortable with this approach, request involvement from school administration and/or appropriate district office personnel.
- **Discuss** the issue using plain language. The goal of the discussion is to **problem-solve** together to find resolution.
- If there is no satisfactory resolution resulting from the discussion, the next step is to meet with school administration (if not already involved).
- If resolution is not achieved at the school level, the next step is to meet with district office personnel (if not already involved) with the **last resort** for resolving conflict being a meeting with the Superintendent.

Other Considerations

- In some situations, the teacher and/or school administrator involved may wish to **communicate with the NBTA/NBTF** to seek advice and guidance in the matter.
- The strength of the school system and its impact on students is greatest when influences at home and at school work in harmony to achieve the results for students.
- In rare occasions, the conflict may require other interventions such as initiating procedures under the New Brunswick Trespass Act, calling police for their assistance, or launching a civil suit.

How Should Parents/Guardians Arrange a School Meeting?

School personnel welcome planned visits from parents/guardians. The following guidelines should be followed when parents/guardians wish to arrange a school meeting:

- As in any professional workplace, it is expected that parents/guardians will arrange an appointment in advance of a meeting.
- Parents/guardians wishing to visit a classroom must contact the principal and teacher involved for further information about arranging the visit.

Department of Education's Policy 703: Positive Learning and Working Environment

School personnel and students have the **right to work and learn** in an environment that is safe, productive and harassment free. As **partners in education**, we all share an interest in teaching and modelling positive behaviour.

- *Every person is valued and treated with respect.*
- *Students have a sense of belonging and connection, feel they are supported by school personnel, and have a positive relationship with at least one adult in the school system.*
- *Parents, school personnel, district staff and the school community understand that social skills, self-discipline, empathy, compassion and ethics are learned throughout life.*

For more information on this policy, please visit the Department of Education's website:
<http://www.gnb.ca/0000/policies.asp> (scroll down to Policy 703 and its appendices).

Conclusion

The purpose of the school system is to provide students with a learning environment in which each can succeed without unnecessary disruption. Parents/guardians and teachers must work together to create this learning environment for students.

Your child, our student

will gain maximum benefit if we can find ways to ensure the relationship between home and school is positive. It is important, therefore, that both the influences at home and the communication at school encourage a **positive attitude** in the student toward school, fellow students, and school personnel.



09-2010 - 8000